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Hawaiian Gazette.

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A GREAT JAPANESE MORTALITY

A JAPANESE FIRING LINE.

PORTUGAL'S NATAL DAY

A Double Celebration by the Honolulu Community.

The Portuguese community of Honolulu last night celebrated the four hundred and sixty-fourth anniversary of the achievement of Portuguese independence from Spain. The history of Portugal was most glorious, even before that achievement of liberty, but it was on December 1st, 1640, that the sons of Portugal arose and threw off the yoke that had been fastened upon their country by Philip II.

The anniversary was generally observed by the large local community of men and women of Portuguese descent, and last night there was both a ball and a banquet in honor of the day. At San Antonio Hall, on Vineyard street, the young folks gathered at a fashionable hour, and there was an address of welcome under the colors of Portugal in commemoration of the day by J. M. Camara, chairman of the committee of arrangements, on behalf of the society of San Antonio.

Mr. Camara briefly reviewed the history of the struggle of Portugal for freedom and called upon the young men of Portuguese descent to show by their manner of life that they were worthy heirs to the glories of the race from which they sprung.

This was the only speech delivered, and it was only by way of opening the festivities of the evening. When Mr. Camara stepped down from the platform, the Auwaiolimu orchestra struck up a waltz, and dancing was kept up until long after midnight.

The affair was in charge of the following: Committee of arrangements, J. M. Camara, J. F. Durao; floor managers, John Marcallino, John E. Bargas, A. K. Vierra.

The banquet at the Union Grill was

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JAP IS KILLED BY LIVE WIRE

A Jap, Goto by name, was electrocuted shortly before five o'clock yesterday afternoon. He was clearing land for Alika Dowsett out at Waikiki near Irwin's old dairy. In trimming up a tree a branch fell across the electric light wire and broke it. Goto remarked that it would be dangerous if left where it was, so coiled the wire up and climbed over the fence to put it out of harm's way. He must have had his hand on an exposed piece of copper, for just then the current was turned on and the Jap fell dead. His companions rushed to the spot and chopped off a piece of the wire with an ax. They then notified the police. Deputy Sheriff Rawlins gathered a coroners jury and took them out to the scene of the accident. The body was brought in and placed in the morgue. The piece of wire that was cut off and Goto's dinner bag were brought in as evidence. The inquest will be held today at noon.

WANTED TO STAB HIS OLD MOTHER

Kakaako was the scene of an attempted murder last evening. About seven o'clock Nuhakahalewai, a deaf mute, attempted to stab his mother. She grabbed his wrist and called for help. One of the foot police put in an appearance and the kanaka turned his attention to him, daring him to come on. The policeman sent in an alarm and soon Sheriff Henry and Mounted Patrolman Cook were on the scene. In the mean time Nuhakahalewai had entered the house. Cook followed and grabbed the man, finding him unarmed. The knife was found outside.

Nuhakahalewai lives on South street just below Queen and has been in jail. Only two weeks ago he was arrested [illegible]

GROWTH OF NEW JAPAN

"Bushido" as Factor in Development of Empire.

The parlors of the Methodist parsonage, at Beretania and Richards streets, were crowded last night to listen to the lecture on "Bushido," by the minister, Rev. John W. Wadman, who was many years a missionary in Japan, and to drink tea in the Japanese fashion.

This was served in the "Cha-no-Yu" which means the ceremonial way, and the service was presided over by Mrs. Saito, wife of the Japanese Consul General. She was assisted by Mrs. Kishi, Mrs. Mori, and Mrs. Ishikawa. It was a pretty ceremony, with all the courtesy of old Japan, and there was an accompaniment of music, "Koto" and "Samisen" duets by Mrs. Yokoto and Mrs. Soga, and several numbers on the "Shakuhachi" by Mr. Matsuda.

The speaker of the evening, Mr. Wadman, was attired in the Japanese fashion, in elegant silken robes of ceremony, quiet in color but almost priceless in texture, and wore in his sash the two swords of the samurai. One of these swords, the shorter or the one with which the bravo takes his own life when he is defeated, was a weapon one thousand years old, the blade gold mounted. This was formerly the property of the famous Gen. Kurokawa, the man who conducted the education of the Crown Prince of Japan. General Kurokawa died only a few years ago, and the weapon came into the possession of Mr. Kobayashi, of the Emigration office.

"We hail the brightness of the first among Asiatic nations to enter modern life, to win and hold a place among the foremost peoples of the earth," said Mr. Wadman, speaking upon "Bushido," which means in one word the growth of the New Japan.

"It is time for us, as students of Dai Nippon, to cease treating her as an oriental puzzle, a nation of recluses, a land of fabulous wealth, of universal licentiousness; or as a garden of the gods, a paradise of lovely children who never cry, the Utopia of artists and poets.

"Yes, it is high time to discard the prolific writings of globe-trotters and others whose fanciful and at times poetic pens often depict Japan in such an unnatural, untruthful, unhistorical way. It is time, I say, to drop the license of exaggeration, and in the light of the coming day, with sympathy and without exaggeration, seek to know who our neighbors really are, and the nature of those forces back of their national, social and individual life now operating so powerfully as to call forth more than a passing glance or a cursory review."

The speaker dwelt at length upon the origin and history of the institution of "Bushido", which was to old Japan all and more than all that the chivalry of knighthood was to western civilization in the middle ages, and told how that same spirit, coming down to modern times in a land that was isolated from the western world, has survived in all that is best in the patriotism and national spirit of the Japan of our time.

"A spirit of chivalry, of our old fashioned knighthood, took possession of the people," he said, "and 'Bushido' became their code of morals. It was not a written code, but a series of maxims handed down from father to son, from generation to generation, adorned by generous deeds and sanctioned by brave achievements, growing in beauty and power with the passing decades and centuries, leaving its indelible impress on the character of the people and their institutions. And to this very day 'Bushido' is a mighty factor among the forces which have made Dai Nippon the New Japan."

An intoxicated individual, while slowly making his way home at an early hour this morning, took one of the lanterns on the Nuuanu pipe line for a saloon light and fell into the ditch. A few bruises were the only evil result [illegible]

FIGHT FOR SPEAKERSHIP ON GEOGRAPHICAL LINES

Knudsen Throwing Out Lines for Support, But He May be Blocked Because Kauai Has Already Been Honored.

A very pretty geographical struggle for the Speakership of the House in the next legislature is promised, from the way that matters are now shaping up.

The man who is said by the wise guys to be making the most earnest fight for the Speakership is Eric Knudsen, of Kauai. It is even said that Mr. Knudsen, besides having the full strength of the Garden Isle delegation behind him, has already gained some recruits among the Oahu men, and that he is even reaching out lines to Maui.

Mr. Knudsen was the vice speaker of the last House, the House that the Republican majority permitted to be organized by the Home Rule minority. Indeed, the fact that Knudsen was vice speaker of the last House is said to be one of his elements of weakness now.

It is not that Mr. Knudsen did not make an acceptable assistant presiding officer. He had little chance to show what he could do, because Speaker Beckley staid pretty close to the chair himself at all times. But it is claimed by the opponents of Knudsen that Kauai has had too much, and that it is time some of the other islands were given honors. Kauai, for example, had the Speakership of the first legislature, in 1901. Kauai had the Vice Speakership in 1903. Now, say the geographical politicians, it is time for Kauai to go back and sit down.

This veiw opens wide possibilities, because if the islands are to be honored in that way in turn there is really no authority to say which island shall come next. Maui, or rather Molokai which is the same thing politically, had the Speakership last time, and now both Oahu and Hawaii have active candidates for the place—and each island can advance the claim that it has never had a presiding officer. Holstein is thought to be the most available man from the big island, but then there is also Carl Smith of Hilo to be reckoned with—and nobody knows what the talented young attorney may have up his sleeve. If he is for Holstein, then that gentleman will have all of Hawaii behind him. If Smith, however, is for Smith, then there will be a complication.

And, anyway, no man from Hawaii can get the plum unless the Maui delegation also stands solidly for him. The Maui delegation is non-committal, so far, and nobody has heard a word from Mr. Coelho, who is said to aspire to leadership down that way.

Mr. Harris of Oahu will not deny that he would like the Speakership, but then he must reckon with more things than the other islands in his candidacy. Carlos Long has already been endorsed for the Speakership by the Fifth District delegation, and will have at least two votes, his own and that of Mr. Aylett, it is said, in the Fourth District. If it comes to a vote by islands, therefore, Mr. Long is a formidable candidate.

Altogether the condition is decidedly mixed—and becomes more mixed every day. It is, in fact, an ideal condition for the springing of a dark horse. Maybe there is a man in the big Republican majority big enough to break over all island lines.

A SERIOUS BLOW TO TRADES UNION PRINCIPLES

(ASSOCIATED PRESS CABLEGRAM.)

NEW YORK, Dec. 2.—The Supreme Court [illegible] the State has decided that the "closed shop," from which n[illegible] employes are [illegible]

ASSAULT COST 15,000 IN 24 HOURS

Nogi Hopes to Get Fortress by the 10th.

(Associated Press Cablegrams.)

CHEFOO, Dec. 2.—The Japanese casualties during the last twenty-four hours have been 15-000 killed and wounded. The besieging force hopes to capture Port Arthur by the 10th of this month.

RUSSIA ADMITS SEVERE LOSS.

ST. PETERSBURG, Dec. 2.—The capture of the 203 meter hill is a serious blow to Russia as it commands the harbor of Port Arthur.

SKIRMISHING NEAR MUKDEN.

MUKDEN, Dec. 2.—There have been a number of skirmishes but otherwise all is quiet.

TOKIO, Nov. 30.—The operations against Port Arthur are progressing favorably.

THE RUSSIANS APPREHENSIVE.

ST. PETERSBURG, Nov. 30.—If the Japanese have captured the 203 metre hill, the situation at Port Arthur is critical.

DEWEY WILL NOT SERVE.

WASHINGTON, Nov. 30.—Admiral Dewey is unwilling to serve on the North Sea Commission and a Rear Admiral will be appointed.

QUIET IN THE NORTH.

TOKIO, Nov. 30.—The Manchurian situation is unchanged.

TOKIO, Dec. 1.—The entire 203 meter hill was captured yesterday after a fierce struggle.

CHECKMATED AT ONE POINT.

ST. PETERSBURG, Dec. 1.—The Japanese are falling back below Sinmintin, one of the Port Arthur forts.

QUIET AT MUKDEN.

MUKDEN, Dec. 1.—All is quiet here.

FINANCIAL SHOWING OF THE ST. LOUIS EXPOSITION

ST. LOUIS, Dec. 2.—The total attendance at the Louisiana Purchase Exposition has been 19,000,000, the expenditure $22,000,000, the receipts from admissions and concessions $10,000,000 and the subscriptions $12,000,000. There will be a small amount left for the stockholders.

The exposition just closed was undoubtedly the most colossal undertaking of its kind ever attempted. The total cost of the fair, including the outlay for State and foreign government buildings and private concessions is estimated at between forty and fifty millions. At one time there was a bad financial outlook and a big loan had to be solicited from the government but the last months of the fair proved to be record-breakers in point of attendance and all obligations were promptly met.

AGREEMENT WITH PANAMA MAY BE REACHED

PANAMA, Dec. 2.—Secretary Taft and the Panama officials are conferring over the questions in dispute and an agreement is in sight.

A STORY OF GRAFTING

Mahaulu Passes Buck Up to One of the Boyds.

It may or may not be difficult for the jury to decide whether Stephen Mahaulu is guilty or not guilty when the case goes to them, but his trial has already established anew the fact made glaringly obvious in the trial of E. S. Boyd. That is, that for years public money in the Department of Public Lands has been regarded as private booty to the extent, no more and no less, that the stealings could be kept covered—both as to the amounts stolen and the time of concealment. As time passed, too, the aggregate of the thefts increased. When at length exposure came the spectacle was presented, which continued through the Boyd trial and is continuing through the Mahaulu trial, of the officials of the foul department swearing the guilt off upon each other.

Stephen Mahaulu yesterday afternoon took the stand in his own behalf, after an unsuccessful effort of his counsel to secure a directed verdict of acquittal as to the heaviest count in his indictment. His direct evidence was to the effect that the moneys for which he had given receipts without credits therefor appearing in the Land Office books had, as a matter of fact, been paid into the Treasury of the Territory and not converted by him to his own or any other's use, but that such moneys had been credited on the books to other accounts than those where they belonged for the purpose of covering up former shortages. The defalcations in question, the defendant testified, were all those of his superior in office, E. S. Boyd, who, according to the defendant's testimony, possessed the combination of the safe from first to last, had access to it at all times and, on different occasions, had taken money from the safe. Moreover, Mahaulu swore he knew of a shortage in the office from the time he entered it as a clerk in 1898 until he left it as subagent a few months ago.

Under cross-examination Mahaulu acknowledged the entries and receipts for moneys, made and given by him respectively, which belonged to the accounts in which he had testified there were shortages to cover up which the moneys for which he was indicted had been used. He also testified that certain statements he made at an examination in the Attorney General's office upon the discovery of the defalcations, which tended to incriminate Boyd, were not true and must have been made by him in the excitement under which at that time he was laboring. His cross-examination was still in progress when the court rose for the day.

MOTION FOR ACQUITTAL.

Mr. Thompson, before opening for the defense, moved that the court instruct the jury to return a verdict of not guilty as to the second count of the indictment, relating to $4500 paid by the Waianae Company, because (1) the defendant never received the money, (2) it did not appear that he converted to his own use or to other's use the said $4500, (3) no demand was made on him, (4) it did not appear that the sum was not converted by consent of the owner and (5) there was no evidence of any money received by the defendant from the Waianae Company. Mr. Thompson argued out each point of his motion.

Mr. Prosser in reply said he did not care whether the defendant got that money or not or who cashed the check, but the prosecution had evidence in defendant's own handwriting that he got $600 which came out of that check and could prove intention to embezzle from the fact that he made the entry of the $600 before he received the money. On the point of admissions going to the jury the Deputy Attorney General, on the authority of the Supreme Court, contended that where there are circumstances in a criminal case which the defendant might explain in his own behalf and he did not choose to explain them, the fact might go to the jury that he declined to explain the circumstances. It was for the jury to decide if they believed, beyond a reasonable doubt, that Mahaulu received the money. The prosecution did not claim embezzlement of the check but of the money. Mr. Prosser pointed out that there were two receipts numbered 1206 given by Mahaulu, one of which for $4500 was not credited on the books and the other for $516 was credited on the books.

Mr. Thompson came again, arguing that there was still a hiatus. There was no proof that the money went into Mahaulu's hands.

Judge Gear suggested the event of the jury's finding that the money could not possibly have gone into any other hands but Mahaulu's.

Mr. Thompson said if it was circumstantial evidence all right, let it go to the jury, but the jury could not find evidence that was not there.

Mr. Prosser said there was evidence for the jury of Mahaulu's receipt for $4500 in his own handwriting.

Judge Gear disclaimed the intention of binding the prosecution down to circumstantial evidence entirely, but said the court would have to charge the jury on circumstantial evidence as admitted. The jury having been called in, the court denied the motion for a directed verdict.

Mr. Thompson then moved that the prosecution be forced to elect on which count of the indictment it would proceed. Mr. Prosser for reply simply quoted the statute on that point and the court denied the motion, Mr. Thompson noting an exception.

LINE OF DEFENSE.

Mr. Thompson opened the case for the defense to the jury, saying in substance: "We are not going to deny that Mahaulu received from Mary E. Clark the sum of $925. We are not going to deny that this amount is not shown by the books to have been credited to Mary E. Clark. We are not going to deny that $4500 came into the Land Office from the Waianae Company. We are going to show that for a long time prior to the receipt of these moneys there had been an indiscriminate handling of money in the Land Office. We are going to show that every dollar of these moneys had been paid into the Treasury, and that Stephen Mahaulu never received a dollar of them or converted the money to his own use. When we prove that, we have proved all we want to."

MAHAULU TESTIFIES.

Stephen Mahaulu, defendant, being called and sworn testified to the following effect:

Am married. Have been in government employ since 1890, in the Land Office since 1898. Was clerk in 1901, sub-agent after that, under E. S. Boyd. Those in the office were myself, Boyd and George Rosa. I was appointed in 1901 as sub-agent. Boyd was Commissioner. I took in the cash during the time I was sub-agent. Put it in the safe.

Myself and Boyd had access to the safe. "H. K. B." was the combination when I went into the office. Prior to the time I was in Boyd was subagent. When I went into the office the combination was not changed. Initials in combination were those of Mrs. Boyd. The combination on the safe when I went into the office was continued all the time I was there. Boyd did know the combination of that safe, he did go into the safe. Boyd did not make a demand on me in August, 1903, for the combination as he testified. He never made such a demand. He knew the combination all the time. Besides myself Boyd went into the safe.

Q. Boyd testified in answer to a question of the court—"Did you ever open that safe and take any money out of it yourself?"—"No, sir." Is that true?

A. It is not true.

Q. Did Boyd at any time take money out of that safe?

A. Yes.

Had conversation with Boyd about $925 paid by Mary E. Clark. There was a shortage and that money had to go in to balance the books. Boyd said:

"Take out that Wahiawa payment and deposit it in the Treasury."

It was deposited with the Treasury, some time in June (consults book), the 20th. There was no official receipt given for that $925. Boyd told me not to give an official receipt until the land had been inspected. He inspected the land himself. There never was an official receipt given for that money.

Had a conversation with Boyd about the $4500 from the Waianae Company. He told me to issue a receipt for that money and charge it up to the Honokaa Sugar Co. I got the money from the bank on the check, it was endorsed by Boyd. It was paid into the Treasury of the Territory of Hawaii. It does appear in the general cash, Jan. 23, deposited with the Treasury $9800. The Waianae check is included in that. He told me to charge it up to Honokaa Sugar Co.

Q. Did he give any reason why the $4500 should be credited to any other than the Waianae Company?

A. He told me there was a shortage on the Honokaa Sugar Co. It was cashed by me and turned over to the Treasury. The $480 of Mau Sing Wai was turned into the Treasury. The $500 of T. F. Lansing was also turned into the Treasury, but is not shown on the books because it went to cover up a shortage. I never received a dollar of these moneys. The shortage was Boyd's.

I remember a conversation Boyd had with me when he was going out of office. It was in November, 1903. He said:

"Stephen, you had better apply for my position and I will apply for the position of bookkeeper, so we can cover up the shortages."

He told me later he had applied for my position, he told me he saw the Governor, and that he had applied to the Central Committee. He told me that the $4500 was part of the shortage he wished to cover up.

UNDER CROSS FIRE.

Cross-examined by Mr. Prosser the defendant testified as follows:

I first learned there was a shortage in 1900, before I became sub-agent. I was only a clerk then. Boyd had gone off on a vacation and I had the collecting of the money in the office. Mr. Brown wanted to see the cash. We went over the books and found there was a $3000 shortage. I did not do a thing about it. Do not know if it was made up when Boyd came back. Brown knew when Boyd was away that there was $3000 short. What explanation Boyd may have made to Brown I do not know.

I found there were other shortages when I became sub-agent. Cannot tell what was the total amount, think it was about $3000. Do not know what other shortages there were. They amounted to a considerable, cannot state if they amounted to $6000. I knew there were other shortages. Did not inform Mr. Brown. Knew there was a shortage by the books. Even when Brown went out and Boyd came in I never informed anybody. I knew Boyd took that money. He did not deposit it in the Treasury. He told me he would pay it by and by, he was my superior officer. All these moneys were finally paid into the Treasury to make up those previous shortages.

Mahaulu was shown the two receipts with the same number, 1206, and asked if the first one shown corresponded with the stub. He began fitting the receipt to the stub, when Mr. Prosser with a laugh asked:

"Is that the only way you can find out, by comparing the edges?"

Mahaulu said one of the papers was "a loose receipt."

"Then when you gave that receipt for $4500 you intended to use that money for purposes other than that for which it was paid to you?" Mr. Prosser asked.

Mr. Thompson objected to the ques-

(Continued on page 6.)

COUNTY ACT SUBSTITUTE

Text of Two of the Achi District Bills.

Following are two of the seven acts prepared by Senator Achi to take the place of the County law:

AN ACT TO AUTHORIZE THE ELECTION OF DISTRICT MAGISTRATES.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. District Magistrates shall be elected by electors in each District, where such Magistrates have jurisdiction. They shall be electors of the District at the time of the election. Their salaries shall be appropriated by the Legislature.

The duties of District Magistrates shall be the same as are now exercised by District Magistrates, or may be provided by law.

Section 2. The term of office of District Magistrates elected under this Act shall be two years from the first day of January next after the election. Provided that all Magistrates in office at the time of the first election shall be allowed to serve for the balance of such terms, or thereafter until their successors are elected and qualified unless previously removed.

Section 3. A District Magistrate may be removed from office for cause by the Supreme Court.

In case of removal of any District Magistrate as aforesaid, or in case of vacancy in office for any cause, the Chief Justice or any Judge of the Supreme Court may appoint one in his place for the unexpired term of said Magistrate.

Section 4. An election for such Magistrates shall be held on the first Tuesday in June, A. D., 1905, from 8 o'clock a. m. to 5 o'clock p. m. at such polling places as now are provided or shall hereafter be provided according to law; and according to the rules and regulations of election for Representatives; and after that they shall be elected at each general election.

The election of such Magistrates shall be managed, conducted and controlled by the Inspectors of Election (or "who served at the last general election") in and for such District or in office at the time of such election.

The Governor is hereby directed to arrange the polling precincts so the voters or electors in each District shall have a chance to elect their Magistrates.

Section 5. In case of illness, temporary absence of any District Magistrate from the District for which he is appointed, or when for any cause any District Magistrate is disqualified to hear and determine any case which would by law come under his jurisdiction, it shall be lawful for the Chief Justice or any Judge of the Supreme Court to appoint some other person to perform the duties of such District Magistrate, who shall be called an Acting District Magistrate, and shall not exercise any judicial functions except in the contingencies above mentioned.

Section 6. This Act shall not be construed to repeal Section 937 of the Civil Code, nor Section 6, of Chapter IX., of the Laws of 1874, but it shall be optional for parties bringing suits, either civil or criminal, to take them before such Acting District Magistrate, or to the Circuit Judge, or Justice of the Supreme Court, as the case may be.

Section 7. The compensation of such Acting District Magistrate shall be such as may be agreed upon between him and the District Magistrate for whom he may act, and shall be paid out of the appropriation for salary of such District Magistrate.

Section 8. All laws or parts of laws inconsistent herewith are hereby repealed.

Section 9. This act shall go into effect on the first day of April, A.D., 1905.

AN ACT TO AUTHORIZE THE ELECTION OF DEPUTY SHERIFFS.

Be it enacted by the Legislature of the Territory:

Section 1. Deputy Sheriffs shall be elected by the electors in each District. They shall be electors of the District at the time of the election. Their salaries shall be as appropriated by the Legislature. The duties of Deputy Sheriffs shall be the same as are, or may be provided by law. They shall appoint policemen in their respective Districts, whose salaries, or wages shall be as appropriated by the Legislature.

Section 2. The terms of office of Deputy Sheriffs elected under the provisions of this Act shall be two years, from the first day of January next after the election, except the first terms which will begin from the first day of July, A. D., 1905, to and including the 31st day of December, A. D., 1905.

Section 3. A Deputy Sheriff may be removed for cause by the Sheriff of each island, or the Sheriff of any Judicial Circuit, with the consent and approval of the High Sheriff of the Territory.

In case of removal, death or resignation of any Deputy Sheriff, the Sheriff of each Island or any Judicial Circuit shall appoint one in his place from among the police officers at the time in the District for the unexpired term of said Deputy Sheriff.

Section 4. An election for such Deputy Sheriffs shall be held on the first Tuesday in June, A. D., 1905, from 8 o'clock a. m. to 5 o'clock p. m. at such polling places as are now provided, or hereafter be provided according to law and according to the rules and regulations of the elections of representatives; and after that they shall be elected at each general election.

Provided, however, the time of proclamation in this special election shall be made only for thirty days before election.

The election of such Deputy Sheriffs shall be managed, controlled and conducted by the Inspectors of election (or who served at the last general election) or in the office at the time of such election.

The Governor is hereby directed to arrange the polling precincts so that the voters, or electors in each District shall have a chance to elect their Deputy Sheriffs.

Section 5. They shall give bonds as are or may be provided by law.

Section 6. All laws or parts of laws inconsistent herewith, are hereby repealed.

Section 7. This Act shall go into effect on the first day of April, A. D.,

HAMAKUA FOREST

Reserve Recommended to Governor Carter.

Among the principal topics of consideration at the meeting yesterday of the Board of Agriculture was the recommendation to the Governor to set aside the Hamakua forest reserve as reported upon by Superintendent of Forestry Hosmer. The matter was brought to a conclusion by the presentation of the following resolution by Mr. Giffard which was adopted:

Resolved, that the forest reserve at the north end of district of Hamakua, Island of Hawaii, between the Waipio Valley and the district of Kohala as recommended by the Committee of Forestry, based on the report of the Superintendent of Forestry, be approved, and that the Board recommends to the Governor that the land within said described boundaries be set apart as a forest reserve, subject to all private rights and titles lying within said boundaries. Passed.

HOSMER'S REPORT.

Oct. 31, 1904.

The Committee on Forestry, Board of
Commissioners of Agriculture and
Forestry, Honolulu, T. H.

Gentlemen: I have the honor to submit the following report on the proposed forest reserve at the extreme northwestern end of the District of Hamakua, Island of Hawaii, consisting of the section of steep, pali country, between the gulches of Honokane and Waipio.

Under the date of April 3, 1903, Mr. E. E. Olding, the local consulting forester, reported to the Board as follows: "As forestry agent for the District of Kohala, I beg to submit the following lands as reserves: all government lands lying between Honokane and Waipio valleys (from the headwaters to the sea), as well as government land known as Puukapu, and also all that portion of Kawaihae 1, lying between Puupili and Waimanu, on expiration of the present leases to Parker Estate."

Upon a request from Mr. Thurston for more definite information, as to metes and bounds, Mr. Olding replied, on May 8th, 1903: "As suggested I enclose herewith tracing from Government map showing forest lands to windward of Kohala District, which all parties here are willing and desirous to have reserved, proposed reserve is shown and included within 'red lines' and is bounded as follows: On the west by the Awini Ranch and Bishop Estate lands, on the south by the Hamakua boundary line, or lands of Puukapu and Bishop Estate lands, on the east by the Bishop Estate lands of Waipio, on the north by the sea. Land known as Laupahoehoe owned by the Booth Estate is not included.

"As this is in the heart of the forests of Hawaii and joins other government lands it can be added to from time to time as government and private parties desire. It is in a great measure protected from cattle at the present time and should not cost the government much for fencing. * * *

"No settlement has been reached with regard to lands known as Puukapu and Kawaihae 1, so these lands are not included at this time in proposed reserve."

While I have not personally exploited the area in question—a task rendered almost impossible from the nature of the country—I have carefully considered the question of making this section, with other adjoining lands, a forest reserve. This I believe should be done, for the following reasons:

The chief value which this section now has, or so far as can be foreseen is likely to have, is on account of the streams which head therein, and which can be utilized for irrigating the adjoining agricultural lands, and in the development of power.

To insure the protection of the water-sheds of these streams, so that as much as possible of the water falling upon the area be made available for use, it is desirable that the lands be set apart as a forest reserve.

The creation of the forest reserve would in no way hamper the development of water and power. On the contrary it is primarily to maintain and insure this use of the streams that the reserve is proposed to be set apart.

At the present time there is little or no objection to the creation of this reserve; there is, with the exception of certain areas in the Waimanu Gulch—excluded in these recommendations—no agricultural land; nor from the nature of the country is it a region which could be so developed.

There are several privately owned lands adjoining the proposed reserve which should be included therein, and which the owners thereof are willing to turn over as a part of the forest reserve, if the Government will set apart its lands.

I therefore recommend that the Board request the Governor to set apart, after the public hearing provided by law, the government land described below, as a forest reserve; and I further suggest that negotiations be entered into with the owners of the adjoining lands, with the exception of those under cultivation in the Waimanu gulch, with a view of extending the reserve to include them also.

The following description of the proposed forest reserve, in the district of Hamakua, Island of Hawaii, furnished by the Survey Office, with a map of the same, is now on file in my office.

"Beginning at the mouth of the Honokaa gulch by the sea, being the boundary of the lands of Awini and Honokaa, in the districts of Kohala and Hamakua, respectively, run thence up the center of Honokaa gulch, and along Awini homesteads to the land of Honokane; thence along said land of Honokane in a southerly direction to its junction with the lands of Kawaihae 1st and Puukapu; thence in an easterly direction along the land of Puukapu and the north side of Kawainui branch of Waipio Valley, crossing the head of Waimanu Valley to the west side of Waipio Valley; thence down along said west side of Waipio Valley to the sea; thence along the sea to the point of beginning.

Very respectfully,
RALPH S. HOSMER
Superintendent of Forestry.

HILO RESERVE.

In the matter of the Hilo forest reserve it was reported to the meeting that Mr. Loebenstein did not have all the data in Honolulu necessary to describe the upper boundary and he has returned to Hilo to secure the same. Upon his return the line will be marked on the map especially prepared to show the Hilo reserve, and it will then be forwarded to the Governor with the recommendation that he set aside all the lands between the upper and lower lines to be known in future as the Hilo Forest Reserve.

SHEEP AND MAMANI.

Mr. Holloway reported that he had received a letter from Land Commissioner Pratt in regard to a lease of lands wanted near Humuula and Kaohi, on Hawaii, and the Board was asked to make what reservations in the matter it desired. Mr. J. F. Brown stated that Mr. Pratt was about to leave for the mainland, December 6, and he hoped the Board would be able to act on the matter at the meeting so that Mr. Pratt could have time to advertise the lands before his departure. He stated the land in question was located at an elevation of about 8000 feet.

Mr. Hosmer stated that Kaohi adjoins Humuula on the south side of Maunakea and was above the lava flow in that section. He thought the land could be used for grazing up to 8000 feet. Any one taking a lease should be compelled to fence in the property at the upper boundary to protect land planted with forest trees from ravages by cattle. He stated there was quite a bunch of wild cattle roaming around in that vicinity.

Mr. Thurston recommended that there be inserted in all such leases a clause that no sheep should be raised in such places. So far as the Board of Agriculture and Forestry was concerned there was nothing against public interest in permitting cattle there but he had a strong objection to sheep which would destroy forests. He wanted to go on record as against putting any of the mamani lands aside for sheep raising.

Mr. Giffard stated that as Mr. Hosmer had not placed his recommendation before the Board in writing he was disinclined to vote on the proposition.

Mr. Thurston said that the Board was taking its first step in leasing such lands, and for that reason it should act slowly and only upon reports gained from the superintendent of forestry.

Mr. Hosmer stated that a certain section above the ohia, koa and mamani belt should properly be used for grazing purposes.

The matter was then referred to the Committee on Forestry.

BISHOP ESTATE AND KOA.

A request was made by letter by F. S. Dodge on behalf of the Bishop Estate asking permission to have Superintendent Hosmer go to Hawaii next week to examine an extensive koa forest back of the Volcano House and make a report on the same. It was reported to the Board that the Estate contemplated lumbering some of the mature koa trees and selling them to parties in Hilo.

It was suggested that this would probably be unwise at present owing to the fact that the Board was making strenuous efforts to get as many private forest lands into the reservation as possible.

Mr. Thurston thought it was a matter of internal policy with the Bishop Estate and that it would be better for the Estate to have an expert forester's opinion on the question than to go ahead without it, no matter what the Estate decided to do with the trees. He said that it was probably the intention of the Estate to get a conservative report from Mr. Hosmer as to just what should or should not be done in the forest.

"We want to put our forests on a commercial basis," said Mr. Thurston. "It is my opinion that mature koa should be lumbered under expert observation rather than that it should rot and go to ruin."

He added that there were miles and miles of koa rotting between the Parker Ranch and Hamakua. There were millions of cords of koa all over Hawaii going to ruin because it was not being lumbered. Provided that reasonable methods were pursued in lumbering koa, the trees would be of great commercial value to their owners. By giving owners expert aid, those who controlled koa forests could lumber their forests without injuring them.

On condition that Mr. Hosmer had no other important duties requiring his presence in Honolulu next week he was given permission to go to the Volcano House for the purpose above described.

Mr. Hosmer stated that he was strongly of the opinion that the first piece of lumbering done should be under expert forestry methods. It was a part of the policy of the Board to give advice to private owners, but not much had been done in outside districts owing to lack of [illegible]

GEAR NOT IN CONTEMPT

Appeal to Federal Court Not Operative As Supersedeas.

The Supreme Court has denied the motion to put Judge Gear and J. S. Low on their defense for contempt of court in the Parker litigation. Justice Hatch writes the unanimous opinion of the court, of which the following is the syllabus:

"A preliminary order of prohibition expires when the court after hearing makes a final order disallowing the writ of prohibition prayed for. The preliminary order cannot be revived, in the absence of a new exercise of judicial power, by a supersedeas allowed on the suing out of a writ of error."

As stated in the opinion the contempt proceedings were as follows:

"This is an application for an order to the Honorable George D. Gear, Second Judge of the Circuit Court of the First Circuit, and J. S. Low, next friend of Annie T. K. Parker, a minor, to show cause why they should not be adjudged guilty of contempt of this court for disregard of a preliminary writ of prohibition heretofore issued on the application of Alfred W. Carter, guardian. On September 7, 1904, Alfred W. Carter, as guardian, applied for and obtained from the Chief Justice of this court a preliminary writ of prohibition restraining said Circuit Judge from proceeding on a motion pending before him made by said J. S. Low, next friend of Annie T. K. Parker, a minor, for the removal of said Alfred W. Carter as guardian until the further order of this court. On November 7, 1904, this court rendered its decision, dissolving the temporary writ of prohibition and denying the application for a permanent writ. On November 8, 1904, the petitioner obtained a writ of error to the Supreme Court of the United States, the order granting it stating that it was to operate as a supersedeas. A bond was filed and the papers connected with the writ of error perfected on the same day. The motion for the order to show cause sets out that said Circuit Judge is about to proceed with the trial of the application for the removal of said A. W. Carter as guardian on its merits, notwithstanding the writ of error and supersedeas."

Kinney, McClanahan & Cooper, Ballou & Marx and Robertson & Wilder appeared for the petitioner; J. Alfred Magoon and J. Lightfoot for the respondents. The contention of the petitioner is stated by the appellate court thus:

"It is contended by the petitioner that the suing out of the writ of error and the order allowing the same containing the words of supersedeas resulted in suspending the judgment of this court disallowing the writ of prohibition prayed for, and has revived the preliminary order of prohibition granted on the filing of the original application. The petitioner seeks to establish a distinction between law and equity in the operation of a supersedeas on any restraining process which had been issued prior to the allowance of an appeal or writ of error; it being contended that a supersedeas revives a restraining process issued at law, such as a writ of prohibition; but that it does not so operate in equity upon an injunction upon an appeal being taken, is conceded."

"We do not find," the Supreme Court decides, "that this distinction can be maintained. The conclusion to be drawn from the cases is rather that the difference in effect of operation of a supersedeas depends upon the nature of the judgment or decree appealed from. A supersedeas always operates as a stay of execution and suspends the enforcement of a judgment or decree by execution or other process. But the judgment or decree appealed from may itself have an intrinsic effect which can only be suspended by an affirmative order, either of the court which makes the decree, or of the appellate tribunal."

Several authorities are cited and the following is the conclusion of the opinion:

"As a further reason why the preliminary order in the prohibition proceeding cannot be held to be now in effect, it will be noted that it was by its terms to remain in force only until the further order of the Supreme Court. When the court acted, as it did in rendering its decision denying the writ prayed for, the preliminary order became functus officio. It could not be revived by anything short of a new judicial order.

"As the threatened action of the Circuit Judge would not constitute a violation or disregard of the preliminary

(Continued on page 6.)

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BLUEFIELDS FOR HILO.

Jared Smith, Director of the United States Experiment Station, in a letter to the Board stated he had secured five acres of land near Hilo for growing bananas, and he recommended transferring half of the Bluefields bananas now under cultivation here to this land, it being well adapted for the growing of such bananas. The Board agreed with Mr. Smith.

MINUTES TOO LONG.

The Board met at 4 p. m. yesterday but it was twenty minutes to five before the reading of the minutes had been concluded. J. F. Brown said the report of the previous meeting was undoubtedly most accurate, but it was altogether too voluminous and took up too much valuable time in its reading. The Board generally agreed with Mr. Brown and hereafter only a skeleton report of the previous meeting will be

PROSECUTION CLOSES CASE

All Evidence Against S. Mahaulu Is Now In.

(From Wednesday's Advertiser)

The prosecution closed its side of the Mahaulu case yesterday afternoon and the defense was given until ten o'clock this morning to make its presentation of the issues. Whether the presentation will consist in a motion to dismiss the charge against the accused man because of the failure of the Governor to answer a subpoena calling him as a witness will be disclosed only in court.

When the case was called yesterday morning an intelligent officer was given a subpoena to serve upon Professor Woods of Punahou College, who was wanted as a witness for the prosecution. The officer went out at once and brought in Professor Woods, the demonstrator of physical culture--and then it was too near luncheon time to go ahead. And so the case went over until afternoon.

Auditor Fisher was on the stand again yesterday, and testified that he had made a personal examination of all the land office books and that there was no entry whatever of the payment of $925 by Mrs. Clark, of the Wahiawa colony, nor of the payment of $4500 by Mr. Dowsett on behalf of the Waianae company.

A motion made by Attorney Thompson, for the defense, to strike out the testimony given by the auditor, fell to the ground because it appeared that the auditor had made two examinations of the land office books, the second one being by Mr. Fisher himself.

At the afternoon session yesterday, evidence was introduced by the prosecution to establish three more cases of embezzlement against Mahaulu, there being no records on the books of the payment of $500 by T. F. Loring, and of $480 by Mau Sing for rental, nor of $280 paid on a right of purchase lease by Mrs. Abbie Clark, although this money had been received and receipted for.

The introduction of evidence tending to establish these charges closed the case for the prosecution.

* * *

POLICE COURT HAS NEW JUDGE

Albert F. Judd, the Second District Magistrate, resigned day before yesterday. The Governor immediately made out a commission for W. L. Whitney, who accepted the position and was on the bench soon after. Mr. Judd resigned because the press of business in the Police Court was keeping him from his work on the Code Commission. As it is important for this latter work to be finished, if possible, before the legislature meets, Mr. Judd had to resign.

Mr. Whitney, the new judge, made a good impression as to his absolute fairness and went through the work like an old stager. This is not the first time, however, that he has acted as judge. He was the judge of the Moot Court of Columbia Law School for the whole of his senior year. This is the highest honor a man can gain in the school

Yesterday he raised the fine for selling liquor without a license. M. S. Freitas was the first to come under the new rule and had to pay $125 instead of the usual $100. A Jap was fined $25 for having che fa tickets in his possession and three other Japs got $5 each for gambling. W Smith, charged with attempted arson, has his case go up to the Circuit Court. Mr. Smith lives at Mrs. Maage's house on Vineyard street. Mrs. Maage was in the front room when she discovered a fire in the back room occupied by Smith. She called for help and a Portuguese named Silva came to the rescue and he, with the aid of neighbors, put out the fire. The blaze was in a pile of papers and the odor of kerosene was noticed. Smith says that he was filling an oil lamp and the fire was accidental. Mrs. Maage, however, thinks it was started intentionally out of revenge.

Charles Mu was fined $5 for disturbing the quiet of the night. Mr. Cunningham was in for being drunk. He was reprimanded and discharged because his lawyer showed that Cunningham had a large family and needed all his money to support his ten children.

The only arrest during the evening was Kowa, charged with larceny in the second degree.

* * *

UNDERWRITERS MUST DO DETECTIVE WORK

After this the Underwriters and the Chief of the Fire Department must make their own investigations when they suspect incendiarism

Sheriff Henry and Detective Hatter are of the opinion that such matters are not the province of the police department which only takes a hand in maintaining order during a fire and arrests such persons as the Fire Department or the Underwriters find suspects. Mr. Hatter thinks that the underwriters and insurance men should keep two or three private detectives to look out for fires and locate incendiaries.

TWO JURIES SEEK TRUTH

Carter Cannot Understand Action of Judge Dole.

"As a layman," said Governor Carter yesterday, "I confess that I cannot see what the Federal grand jury has to do with the investigation of our Territorial election. Of course you will understand that I court the fullest and freest investigation of any so-called irregularities. I want the truth and the whole truth to be made to appear. The Territorial grand jury has taken the matter up, however, and it strikes me that the matter is properly one for the Territorial and not for the United States courts. In fact, I cannot see where the Federal Court comes in at all."

Judge Dole, it is understood, justifies his course in calling a special session of the Federal grand jury by the statement that the election of a delegate to Congress may be involved in the investigation which it is proposed to undertake. In connection with the voting of the so-called "numbered ballots," which underlies the whole cause of the election inquisition by both grand juries, it is an interesting fact that 101 of the election inspectors at the last election were appointed by former Governor, now Federal Judge Dole, whereas only seventy-nine of the original inspectors were the appointees of Carter. In addition to the old election precincts, however, there were nine new ones created and of course the twenty-seven inspectors in these precincts were also Carter appointees. This, however, is merely a point that becomes of interest in view of the proposed action of the two grand juries.

The Territorial grand jury continued its investigation of the election yesterday, and will probably be busy along the same lines all the week.

* * *

TAX APPEAL COURT GIVES TWO DECISIONS

Two decisions were handed down by the Tax Appeal Court yesterday. In the first of these cases the Hawaiian Agricultural Company appealed, claiming a deduction of $181,876 on account of damage done by the "leaf hopper" on 1649 acres of matured cane and 2800 acres of young cane, the amount of deduction claimed being in excess of cost of cultivation. The decision of the court is to the effect that, in regard to the 2800 acres of young cane, the claim was based on the value and returns from the same cane at maturity, that such value is subject to the vicissitudes of the seasons and to other natural causes and cannot be the basis for deduction from income long prior to the date of maturity at which any realizations could be had. In the matter of the 1649 acres of mature cane the court says that there is a slight difference; this was harvested as far as possible; the loss on these fields represents income that otherwise might, sooner or later, be received but is not the actual loss contemplated under the present income tax law. Lansing and Brown sign the decision, Galt dissenting.

H. Hackfeld & Co. appealed for a deduction of $150,000 for cash advanced and never recovered; this amount was claimed to be a bad debt, the firm not having been able to collect from the Hawaii Mill Co. The testimony showed that the $150,000 had not been written off for the purpose of avoiding taxation; it cannot be recovered. The court holds that this sum is properly deductible. Galt and Brown sign the decision, Lansing dissenting.

* * *

ATTACHE HERE FROM THE SEAT OF WAR

Captain Morrison, U. S. A., a passenger aboard the Siberia, is just from the seat of war where he had been sent as military attache for the United States army. Capt. Morrison was attached to Kuroki's army and saw all the fighting including Liaoyang. From November 1 to 8 he was before Port Arthur observing operations from the Japanese side.

Owing to his military position, Capt. Morrison is unable to say what he saw there, except that the defences of Port Arthur seem strong. The Japanese on the other hand have trained heavy siege guns on the lines of forts surrounding Port Arthur. Capt. Morrison saw no assaults on the fortress.

Capt. Morrison goes to Washington to make a report.

OAT ENDORSED BY ROBERTSON

J. M. Oat, the present postmaster, has been endorsed for reappointment by A. G. M. Robertson, National Committeeman of the Republican party of Hawaii, and chairman of the Territorial Central Committee. His endorsement was cabled last Saturday to President Roosevelt and Postmaster-General Wynne.

Doll Sale Friday

The Gleaners' Doll sale which will be held on the grounds of Central Union church Friday will begin promptly at three in the afternoon and continue until nine. Those who have seen the dolls say that the display will be worth going far to see.

HOW NEXT LEGISLATURE WILL BE CONSTITUTED

Full Roster of the Two Houses With Some of the Latest Gossip as to Their Probable Organization.

It is a long time yet to the meeting of the legislature, but the politicians are beginning to look to their fences, and to make some expert calculations as to the organization of the two Houses.

The legislature will meet on the 15th day of February, 1905. It is so overwhelmingly Republican in both branches that there is, of course, not the remotest danger of a repetition of the kind of fluke that gave the organization of the House to the Home Rulers two years ago, although the Republicans were in the majority and had prepared a caucus slate before the legislature met.

There is, in fact, but one man in each body who is not Republican. Senator Palmer P. Woods, and Representative H. M. Kaniho, both from the Kohala district of Hawaii, will have the opposition benches to themselves, and will probably have too much to do in looking out for their committee appointments to have time for anything in the nature of a coup d'etat.

The Republicans, in fact, have something of an embarrassment of riches in the way of membership, which embarrassment is like to lead to an overplus of candidates for whatever in the way of offices of honor or profit either house may have to give out. Because of this, there is very likely to be an organization of compromises at the last—but before that comes there will be a development of strength in the candidates for various offices, and the friends of many leaders are already beginning to figure upon their claims at the hands of the party.

The presidency of the Senate is, naturally, the first distinction spoken of, and the talk so far has seemed to center around Paul Isenberg of Oahu and J. D. Paris of Hawaii. Both have had experience as presiding officers, and either would acquit himself well in the place. Of the two, perhaps the name of Mr. Isenberg has been most heard up to this time. For clerk of the Senate William Savidge seems to be the first choice of the wise guys, although a story comes down from Maui to the effect that S. Keliinoi, who gained some prominence in the House at the last session, thinks he has some claims and will make a determined effort to advance them. This story, however, lacks confirmation.

W. W. Harris, who was chairman of the Finance Committee and Republican leader on the floor in the last House, has been re-elected to the present body, and his friends are inclined to think that he has earned and deserves the Speakership. Mr. Harris is a man of eminently fair mind, and an experienced parliamentarian, and he made a strong uphill fight for good legislation against an opposition that was at times utterly senseless in the last House. There can be no question that he would make a good presiding officer, nor that he would give the opposition all that was coming to it. Eric Knudsen of Kauai, also re-elected, is likewise mentioned for the Speakership. Mr. Knudsen was the vice-speaker of the last House, his appointment being a sop to the badly out-generalled Republicans, but Speaker Beckley gave him little chance to show what he could do in the chair. However, he will have the backing of the delegation from the Garden Isle, if he wants it. H. L. Holstein of Hawaii is the third Speakership possibility spoken of. He is said to be a man eminently fitted for the place, but nobody in Honolulu seems to know what strength he would develop on a show-down.

For clerk of the House, there is a strong party favorable to George Thielen, who was stenographer last time, but it is a question whether Mr. Thielen himself wants the place. Nobody has heard from him. Another name mentioned in this connection is that of J. D. Avery.

The roll of membership of the two houses has been made up, and is as follows, the members all being Republicans, save where otherwise indicated:

SENATORS.

Names.	District	Island	P. O. Address
Achi, W. C	3rd	Oahu	Honolulu
Bishop, E. F	3rd	Oahu	Honolulu
Brown, J T	1st	Hawaii	Hilo
Dickey C H	2nd	Maui	Makawao
Dowsett, J M	3rd	Oahu	Honolulu
Gandall, J. K	4th	Kauai	Lihue
Hayselden, A. N	2nd	Maui	Lahaina
Hewitt, G C	1st	Hawaii	Waiohinu, Kau
Isenberg, D. Paul R	3rd	Oahu	Honolulu
Kalama, S. E	2nd	Maui	Makawao
Lane, John C	3rd	Oahu	Honolulu
McCandless, L. L	3rd	Oahu	Honolulu
Paris, J. D	1st	Hawaii	Kealakekua
Wilcox, S. W	4th	Kauai	Lihue
Woods, Palmer P. (Democrat)	1st	Hawaii	Kohala

REPRESENTATIVES.

Names	District	Island	P. O. Address
Andrade, Frank	4th	Oahu	Honolulu
Aylett, William	4th	Oahu	Honolulu
Broad, Chas	5th	Oahu	Honolulu
Coelho, W. J	3rd	Maui	Wailuku
Copp, George	3rd	Maui	Waiakoa, Kula
Cox, Oscar Pihanui	5th	Oahu	Waialua
Fernandez, Antone	1st	Hawaii	Hamakua
Greenwell, F R.	2nd	Hawaii	Kealakekua
Hala, W P	3rd	Maui	Hana
Harris, W. W	4th	Oahu	Honolulu
Holstein, H L	2nd	Hawaii	Kohala
Kalawaia, Thos. H.	5th	Oahu	Aiea
Kaleiopu, A S	5th	Oahu	Honolulu
Kaiino, J	3rd	Maui	Paia
Kaniho, H. M (Home Rule)	2nd	Hawaii	Kohala
Lewis, J D	1st	Hawaii	Hilo
Lilikalani E K.	4th	Oahu	Kakaako
Long, Carlos A.	4th	Oahu	Honolulu
Knudsen, E A	6th	Kauai	Kekaha
Mahelona, Solomon	5th	Oahu	Honolulu
Mahikoa, G W	6th	Kauai	Kilauea
Nakuina, M.	3rd	Molokai	Halawa
Pali, Philip	3rd	Maui	Lahaina
Pulaa, C H	2nd	Hawaii	Kohala
Quinn, E. W	4th	Oahu	Honolulu
Rice, A. H.	6th	Kauai	Lihue
Sheldon, W J	6th	Kauai	Waimea
Shipman, W. H	1st	Hawaii	Hilo
Smith, Carl S	1st	Hawaii	Hilo
Waterhouse, F. T. P.	5th	Oahu	Honolulu

A PROMINENT PUBLISHER ENDORSES CHAMBERLAIN'S COUGH REMEDY

Mr Leon C Streeter, proprietor of the Worcester, Cape Colony, Standard, says: "For the past seven years, or since we have been in South Africa, Chamberlain's Cough Remedy has always been kept in our household. My wife has found it to be invaluable with the children and croupy symptoms have disappeared with astonishing but pleasing rapidity under its influence." For sale by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

Litigation Ended.

Yesterday the long-standing dispute between the Hawaiian Commercial & Sugar Co and the Wailuku Sugar Co., was settled. The dispute was over water rights and was compromised by an agreement whereby the Wailuku company get sufficient water for their needs and the other company receive certain lands which they have desired for some time.

* * *

School Inspector Davis has returned from an official visit to Maui.

STEAL WATER TO IRRIGATE

Three Million Gallons Taken From Pipes Every Night.

Three millions of gallons of water are being stolen by somebody in Honolulu from the government pipes every night between the hours of ten p. m. and four a. m., or else there is a leakage in the pipes that foots up that enormous amount.

"Now, we are pretty certain that there is no such leakage as that comes to," said Commissioner of Public Works Holloway yesterday. "Consequently, there must be wholesale appropriation going on. I suppose for the irrigation of taro patches and truck gardens in the neighborhood of Honolulu.

"It has been evident for a long time that there has been a large illicit consumption of water. The consumption of the city daily foots up about 8,000,000 of gallons. That is the legitimate consumption. We have been anxious for some time to get on the track of the parties who were using water without permission at night, and so about three weeks ago we shut off all the pumps but one at ten o'clock, and noted the amount of water lifted by that pump. The pump carried three millions of gallons approximately, and all that water was used up during the night.

"Now, of course there can be no such leakage as that. I can only give you the figures approximately, because the whole matter is in the hands of Mr. Walker, who is preparing a report to this department, and he has gone up to the coast. He will submit his report when he comes back, and then he will consider what steps can be taken to stop this night use of water."

* * *

ROYAL SCHOOL OCCUPIED

The new Royal School building was occupied for the first time yesterday, 750 children being removed into the twenty rooms of the place from the old Royal, Punchbowl, Pauoa and Beretania schools. This is just the overflow from these various school houses, all of which are still filled with scholars.

The removal of the children was under the direction of the school agent, Miss Davison, and Inspector, J. C. Davis, and Superintendent Atkinson was present also.

* * *

100,000 MEN FELL TO PORT ARTHUR

Reginald Glossop, a British war correspondent returning from the seat of war on the Siberia, believes that several months will elapse before Port Arthur falls. He has been connected with the army of Gen. Nogi, operating against Port Arthur. He reports that the Japanese have had terrible losses before the fortress. Both sides are fighting savagely and he believes that when Port Arthur is taken every Russian defender will be a dead man. Glossop estimates that 100,000 Japanese have lost their lives there.

* * *

INCREASED FORCE NEEDED

Secretary Morton will at its coming session ask Congress to pass an act increasing the commissioned and enlisted force of the navy. This increase in the naval force is regarded as essential by the department, as it is shown by estimates recently prepared that when all the ships now building for the Navy Department are commissioned it will take about 2087 officers and 62,368 enlisted men to man them, more than double the number now authorized by law.

Owing to the lack of officers and enlisted men in the navy to meet the actual needs of the service it has been found necessary for the Navy Department to order at least three warships out of commission in order to man warships which have just been completed and now waiting commission. The three vessels to be put out of commission will be selected from five which are deemed the least necessary for further active service at this time. The tentative list consists of the cruisers Atlanta, Castine and Marietta of the south Atlantic squadron and the gunboats Newport and Bancroft of the Caribbean squadron.

The vacancies on the stations made by the detachment of three of the five vessels named will be filled by the assignment of newer vessels about to be commissioned. The subject is now under consideration at the Navy Department and it is expected that the result will be announced in a few days.

* * *

Ceremonial Tea Drinking.

At the "Bushido" lecture this evening in the M. E. Parsonage the "Cha-no-Yu" ceremony will be conducted by Madame Saito wife of the Japanese Consul General assisted by Mesdames Kishi, Mori and Ishikawa. Mrs Sog and Mrs Yokota will perform on the 'Koto' and "Samisen' and Mr Matsuda on the 'Shakuhachi.' Tickets (50 cents) may be had at the door. See advertisement.

* * *

There will be a sociable in the parlors of Central Union church this evening. All are cordially invited.

DEATH OF KEKELA

Missionary Who Was Thanked By Lincoln.

Rev. James H. Kekela died yesterday morning at his home on School street after a very short illness. He was in his eighty-third year. The funeral services were held at 4:30 in the afternoon at Kawaiahao church.

James Kekela's religious training began in a little Sunday School taught by the father of Rev. Mr Parker over on the other side of Nuuanu Pali. From his earliest years it was his great ambition to carry the tidings of the gospel to the natives who inhabited the other islands of the Pacific. For a number of years he prepared himself for the work by study and labor among his own people. His first ministerial service was as pastor of the Kahuku church and while acting in that capacity he was married to a Maui girl who graduated from the Wailuku Seminary. After a few years of service as a pastor Mr. Kekela was able to realize his life ambition and sailed for the Marquesas Islands accompanied by his devoted wife.

Previous to the missionary's departure for the South Seas numerous attempts had been made to found a mission on the Marquesas Islands but the wild cannibals had resisted all attempts to civilize them but when the old chief was nearing the end of his days he sent to Hawaii for some one to tell him the story of the Saviour of which he had heard stories. He welcomed Mr. Kekela but many of the people did not and it was over almost insurmountable difficulties that the mission was finally established. At one time the entire membership of the church aside from the preacher and his wife were killed and eaten by an opposing faction of the natives.

During the year 1863 a pirate ship called at the islands and carried off a number of the natives including the son of the chief, taking them to Peru to be sold as slaves. This so angered the chief that he vowed that he would kill and eat the first white man who set foot on the islands. About a year afterwards, in the early part of 1864, an American ship appeared in the offing and, all unconscious of danger, sent several boat loads of men ashore. As soon as they landed on the beach the natives attacked them from ambush and in the retreat one, the mate was left behind. He was immediately dragged to the hut of the chief which was located near the water's edge and preparations were made for a grand luau.

The unfortunate captive was bound to a tree and made to suffer the most excruciating torture while the natives prepared the fire on which he was to be roasted in the morning. This process was carried on before his own eyes and in sight of his companions who were helpless on the ship. Meanwhile the missionary had learned of the affair and came to beg for the life of the man. The chief was obdurate, however. The white men had killed his people and he must have his vengeance. Finally after a night of parley the chief agreed that if Mr. Kekela would give him his new six-oared whaleboat he would let the captive go. This decision was received with great dissatisfaction on the part of the other natives who saw themselves deprived of a feast but the cupidity of their ruler held Kekela to his bargain and the boat was exchanged for the man. Mr Kekela rowed the dazed man out to the ship and when the sailors tried to make him accompany them he steadfastly refused and went back to the work that he loved.

Before the year was over another American ship appeared in the offing and when Mr Kekela went out to her he was presented with a gold watch and chain, a new boat and numerous other articles, aggregating in value some $500. These were the gifts of President Lincoln to the man who had saved the life of an American citizen. The watch and chain were greatly prized by Mr Kekela as mementos of the martyred President and were always worn by him until the time of his death. The letter from the President thanking him for his act and extending an invitation to visit the States was also a souvenir highly prized.

For fifty years Mr Kekela labored among the Marquesans and then came to Honolulu to spend his declining years. For much of the time he has been ill but his last few years were a period of great activity for one of his age. He left two sons who are working among the Marquesans and four daughters who reside in Honolulu.

It is interesting to learn that the cannibal chief who ordered the death of the American sailor was himself shot in a battle with some rebellious subjects and met the same horrible fate that he had designed for his white victim.

* * *

MAKES UP HIS MIND TODAY

Fred J Church will make up his mind this evening as to whether or not he will accept the management of the Royal Hawaiian Hotel. If he takes hold it will be about December 15. Col. Macfarlane, the former manager, accompanied by Mrs Macfarlane, departed for San Francisco yesterday on the Siberia. The Colonel will probably return on the same vessel.

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Hawaiian Gazette.

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SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS.

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FRIDAY : : : DECEMBER 2

THE LEVITY OF THE LAW.

"Old Father Antic, the Law," must, in the nature of things, have his humorous moments. Usually, however, he gets somebody at the bar, rather than on the bench, to express them for him. The wit and humor of the bar is proverbial, but the bench has a reputation for solemn dignity which even keeps the cartoonists at bay. There are times, however, when even Jove laughs and when the man in ermine unbends and adds to the harmless gayety of the populace—as witness these extracts, printed in the American Law School Reporter from decisions of State Supreme Courts:

"There is nothing certain about a law suit except the expense of it." "In the Happy Hunting Ground there are no corporations, as they have no souls, and consequently no hereafter." "It is needless to make the speech long because the case is weak." "Those who shoot at their friends for amusement ought to warn them first that it is mere sport." "The first exercise of mechanical ingenuity was the manufacture of fig-leaf aprons." "A policeman is only a citizen dressed in blue clothes and brass buttons." "On appeal it is not sufficient that God knows a thing, but the record must show it." "A man does not marry a woman for the mere pleasure of paying for her board and washing." "A policeman is an excellent judge of whisky, and when he has tasted liquor he is able to say whether it is whisky or not." "It is libelous for a telegraph company to transmit the following message: 'Slippery Sam, Your name is pants (Signed) Many Republicans.'" "A husband is not guilty of desertion when his wife rents his room to a boarder and crowds him out of the house." "A man is not a habitual drunkard merely because occasionally he gets to feeling good." "The quality of the advice of counsel may be such as to warrant the presumption that it was obtained gratis." "Lawsuits are frequently ended without having determined anything except, possibly, the costs." "A locomotive and a mule may well pass over the same ground, so that they pass at different moments of time." "Woman has always been a favorite with equity, and it always throws its willing arms around her." "He who attacks with a double-barrel gun may be resisted just as if he shot with a single barrel." "When a woman passenger says she was injured in the attempt by a railway company to pass one car by another upon a single track, the railway company will always have to pay for it." "It is not ground for a new trial that the jury in a murder case were taken to church and allowed to hear a sermon on the subject of Doubting Thomas." "No man's life, liberty, or property are safe while the legislature is in session."

A GOOD MAN GONE.

The late James Kekela was a man whom his white brethren delighted to honor—one who chose a noble and self-sacrificing part in life, who did not give it up when hardships came and death threatened and who died as he had lived, a sincere Christian gentleman.

The story of Kekela's like reads in some chapters like a lurid romance, because it was made up of adventures among pirates and cannibals; and in other chapters like the testimony of the saints, for Kekela gave many years to helping the degraded heathen at risk of all the natural man holds dear. There is a chapter, too, which connects this old missionary with Abraham Lincoln, from whom Kekela received gifts and thanks.

Hawaiians have many great men of whom they boast, but the career of no man among them has demonstrated higher racial qualities or done more to encourage those who expect much of the native people than that of James Kekela.

◆

The "sweat box" method of wresting confessions from prisoners is sharply condemned by the Supreme Court of the Territory. It is a variation from the old thumb-screw and rack device of the Spanish inquisition and is nicely calculated to make a man confess to anything rather than stand the punishment. A searching inquiry into what is known as the "third degree," a discipline used upon the murderer of President McKinley to make him reveal the names of accomplices, if he had any, ought to be made by the humane societies. From all indications it is a relic of mediaeval barbarism.

◆

Gen. Gripenberg had a stroke of apoplexy on Nov. 12, on hearing of the death of his son at the front. This will compel a change in the command of the Russian second army, which was expected to operate with Kaulbars' first army, under the general control of Kuropatkin. Gen. Gripenberg is a man of advanced years.

◆

Sir Thomas Lipton will not challenge for the cup in 1905 and no substitute is in sight. A new British designer, Alfred Mylne, will build a boat for Lipton to try in the home races and if the craft is speedy enough Mylne may be employed to build a challenger for the Tea King in 1906.

THE WAR CORRESPONDENTS.

The war correspondents still complain. They are unanimous in accusing the Japanese officers of bad faith, but the truth probably is that the home authorities promised things which the field commanders refused to carry out. As a rule a General in the field abhors the war correspondent as a privileged spy. General Sherman would not have the field reporters about his headquarters in the Civil War campaigns and at one time he threatened to hang Whitelaw Reid. During the Spanish war Shafter and the pressmen were always at odds. Lord Wolseley, in his military text book, urged British officers to refuse correspondents shelter, food and forage. Ten years ago the Japanese were inclined to welcome war correspondents and give them a chance to unfold the military virtues of Japan to the outside world; but after their experience with James Creelman, who invented the story of the "Port Arthur massacre," they drew the lines very taut, allowing no new men to enter the field and even censoring the private letters of those already there. As to the present attitude of the Japanese Generals it is the common and natural one. No commander whose country's fortunes and his own are at stake, can afford to surround himself with foreign observers whose business is to penetrate the secrets of his plans and publish them to the world, using bribed messengers or even the new device of wireless telegraph to reach that end. Touching the complaint that correspondents are not permitted to go near the firing lines, it may be said that the precaution is necessary lest the men be captured by the enemy and pumped dry of any information they may have of the Japanese dispositions.

Probably after this war the special correspondent at the front will disappear altogether. He is, particularly since wireless telegraphy was invented and owing to the bribe money he has on hand, too dangerous a guest for a cautious General to accept.

◆

One of the solid successes in the educational system of Hawaii is Oahu College, under its present management. People are waking up to the fact that the institution is a good school of practical training as well as one of preparation for higher work. Young men and women who go no further are well-fitted for the duties of life; and those who enter Universities find that Oahu has given them a good start. The number of students has largely increased since President Griffiths took hold.

◆

Inquiry as to where the "Government buildings" stand which are illustrated in the Nordhoff article on Hawaii now running in the Sunday Advertiser, develops the fact that they never existed at all. A design was sent up from Australia which, when Mr. Nordhoff was first here, the public supposed would be adopted. In using it Mr. Nordhoff thought he was merely anticipating results. Afterwards the Government compromised on the present Judiciary building.

◆

Submarines will have a thorough test when the Baltic fleet approaches the Far East. Japan has five or more and Russia reports the arrival of two at Vladivostok. The existence of these hidden destroyers is bound to make naval fighting somewhat more circumspect. Very likely warships will move, while in a battle, with great speed and never so as to go over the same course twice, the object being to evade the slow-moving submarines and disconcert them.

◆

Just as the Japanese get into shape to make the harbor of Port Arthur untenable, Admiral Togo's chief blockaders draw off. The obvious purpose is to lure the Russian fleet to destruction. When Togo's big fighting machines disappear, leaving but a few scouts in front of Port Arthur, the chances are that they have simply hidden in the fog awaiting wireless tips about the movements of the enemy.

◆

One of the things the big island ought to acquire are Concord stages, such as were used in early days to cross the the plains and to traverse the mining regions of California. The Hawaii stage is little better than an express wagon. Riding in a Concord, even over a rough road, is a physical pleasure which redeems travel in a broken country from its worst discomfort.

◆

The Dalai Lama of Thibet has arrived at Peking from Lhasa, whence he escaped as the British approached. The Buddhist pontiff is now resting in a Chinese Lamasery. The news is current that nobody of any consequence signed the treaty with Great Britain and that when the Lama returns in the Spring he will ignore it.

◆

Italy has refused to let the cruiser division of the Baltic fleet coal on the coast of her Red Sea possessions. England is less scrupulous, as British colliers are waiting with supplies for the Russian vessels all along the way. A nice international question has already grown out of this apparent breach of neutrality.

◆

Shipping Hawaiian rice to San Francisco to sell at a loss will be a severe jolt to the friends of the "small farmer."—Star.

Why so? We are not aware that anyone has advised the small farmer to grow rice. If he had, the Star would probably object to the scheme on the ground that there are not enough export facilities to make the venture pay.

◆

It is a pity that steps should have to be taken to prevent a free use of city water. Enough mountain water goes to waste to permit every citizen of Honolulu to use all he wants. Impounded it would keep all the taps running.

◆

Henry Vieira should have started his little graft earlier. Then he might have laid it all to B. H. Wright, as the rest of them did.

NOT A REVIVAL YEAR.

An Eastern paper complains that the general revival of religious fervor in the Evangelical churches which Rev. Dr. Brushingham of Chicago is trying to inspire shows no signs of realization. "The times are," it believes, "ripe for a general American revival," but the people "are strangely indifferent to the appeals of the pulpit and even to those of their consciences."

A study of the great revival movements in the United States, however, leads to the conclusion that they are the products of hard times. When a financial panic comes and business houses totter and fall, when incomes are reduced and the outlook ahead is dark, then, as in 1837, 1857 and 1873, the people turn for help to a higher power and the revivalist finds his work cut out for him. As soon as prosperity ensues, active interest in religion falls off. Three and more years ago, in discussing a general effort all over the United States to bring about a revival, this paper said that the attempt was sure to fail because of McKinley times. And fail it did. The people were making money too fast on earth to concern themselves about laying up treasures in Heaven. At the present time the conditions are so nearly the same as to fully account for the non-success of Dr. Brushingham's efforts. He is bound to lose; in fact defeat is in the nature of things.

PORTUGUESE INDEPENDENCE DAY

Today will be a day of rejoicing for many of the citizens of Honolulu for it is the four hundred and sixty-fourth anniversary of the achievement of Portuguese independence from Spain, an event which had a profound influence on the destiny of the peoples of the Iberian Peninsula. The history of the little kingdom on the shores of the Atlantic, surrounded by a hostile domain which seems always ready to push her smaller neighbor off into the waters of the great ocean, is a stirring one, full of legends of martial valor and all the romance and poetry of mediaeval days. The nation had its birth amid the turmoil of the holy wars and being consolidated with other provinces wrenched from the unhappy of the daughter of the King of Spain, and being consolidated with other provinces wrenched from the unhappy Moors in the long struggle that led up to the fall of Granada.

Cradled amid the bloody strife between Cross and Crescent, which lasted for two centuries before the whole of what is now Portugal was taken from the Saracens, the infant nation was soon plunged into the throes of civil strife which wrested the crown from the House of Burgundy and gave it to the House of Aviz and made the power of the crown absolute. Now began the golden age of Portuguese history. Her explorers carried the Portuguese flag to the remotest corners of the globe and her galleons, laden with the gold, gems and spices of the Indies, Africa and the Americas plowed every sea. But the drain of her immense commerce was too much for the little kingdom. Her men were taken to the far-off colonies and when King Sebastian perished with his army in a battle with the Moors of Northern Africa in 1578 the country fell an easy prey to Philip II of Spain.

For many years Portugal remained a province of Spain until, goaded by Spanish tyranny, the people of the little country rose in revolt and aided by England forced Spain to acknowledge their independence in 1640. The crown went to the House of Braganza of which Carlos V, the reigning monarch, is a member. Although there have been some disturbances since independence was achieved, today Portugal is in a state of prosperity and peace. But the day of her independence marked the shattering of all hopes of Spanish greatness and today the little nation is in some respects more powerful than her larger neighbor whose past glory stands in contrast with her present weakness and shame.

◆

The King of Italy, in his speech from the throne, urges the avoidance of war. From the way in which arbitration treaties are being signed it would appear that the powers are quite of his opinion. "Arbitration" as the British Premier said the other day, "is becoming fashionable." It is a long time since there has been a first-class war in Europe, though incentives are all the time coming up. Fifty years ago war must indubitably have followed the North Sea episode which has just been closed by reference to a peace court, and the Fashoda incident, which was arranged by negotiation. Nations think twice now before they fight their equals and Russia's plight will teach them to be cautious about an appeal to arms with powers whom they class as their inferiors.

◆

The attempt of some organization here to compel the sole employment of citizens on the police force is absurd. In a place where so many races congregate it is necessary to have a few alien police, Japanese to ferret out crimes among their countrymen and Chinese and Portuguese to do the same. The question to be settled is one of capacity, courage and honesty, not one of citizenship. To catch the criminal is the main point, not to pay a party organization's debts.

◆

The 203 meter hill, taken by the Japanese, commands every part of the harbor at Port Arthur. If Nogi can hold it and get heavy guns into action there, the remnant of the Russian fleet will either have to put to sea or go to the bottom.

◆

Tourists are scarce in Japan. Fear of a possible blockade, of torpedoed harbors and of floating mines is among the deterring influences which even the news that curios and works of art were never so cheap in Mikado land, does not overcome.

◆

For a brakebeam tramp, General Coxey did very well to fail for $287,000. He will now be more than ever the envy of the hobo brotherhood, most of whom would be glad to fail for ten cents.

PROPOSED ELECTION OF DEPUTY SHERIFFS.

The Act proposed by Senator Achi, providing for the election of deputy sheriffs, is totally inadmissible. It is axiomatic in American policy that, ordinarily the head of any subordinate executive office should have the appointment of his deputies who are held responsible to their chief. Without this requirement, no man could safely hold an office of that kind. The rule is peculiarly applicable to sheriffs, who are necessarily invested with functions affecting property, as well as individual safety, and, in many cases, have to act with great promptness and decision and take the risk of personal liability. No sheriff could execute the duties of his office unless invested with the power of selection and control. In municipalities and counties throughout the United States this proposition, it may be probably said with truth, is almost unanimously recognized.

The rule applies with more than ordinary force to the Territory of Hawaii. The High Sheriff acts for all the islands, and, though within control of the executive department of the Territorial government, and especially of the Attorney-General, is charged with and held accountable for the performance of multifarious duties, usually dissevered from that office in mainland communities. The necessity for the concentration of power in this officer, commensurate with his obligations and subject to the inspection and co-operation of higher departments of the government, should be obvious to every citizen, and, if he cannot participate in the selection of all his subordinates, no faithful and conscientious man dare assume the risks which the position entails. The management of the police alone must necessarily be under one head or it could not be efficient. The recent changes in the office of High Sheriff prove that the Territorial executive possesses full power to revolutionize the management of this most important department, and that, in this respect, no additional legislation is necessary.

The most advanced reform movements throughout the United States have succeeded upon the principle of concentrating authority and responsibility in the heads of executive departments, and of placing them under an authority, superior in any exigency to their own. In this manner alone, can our system of government be successfully maintained, and the rights and interests of citizens be adequately protected.

PERMANENT SETTLEMENT.

There was a pregnant sentence in President Roosevelt's letter to the Irrigation Congress recently held at El Paso, over which Governor Pardee of California presided: "The best use of the public land is that made by the man who has come to stay."

This language, which is fully elaborated in the letter, shows the kind of land policy that the administration sustains, in conformity with the terms and with the spirit of the National Homestead Law. It is exactly coincident with the policy that, for years, the Advertiser has consistently urged upon the land department of the Territorial government. There now appears to be some prospect that the "small farmer," who is a permanent settler and voter, is to have some chance on these islands, and that, before the next general election, genuine American citizenship may be considerably increased. Heretofore, the leading tendency, in the management of the public lands, has been to prevent or at least retard immigration of the right sort and to play into the hands of men, whose sole interest is monopoly and the exclusion of American population. The enormous majority in favor of the Republican national and local tickets presages a closer harmony between local and Federal administration.

◆

Whether the capture of the 203-meter fort is vitally important to the Japanese will depend on their ability to direct a heavy fire from it upon the Russian ships in the harbor and upon the enemy's surrounding defences. Probably, before the capture was made, the Russians removed the breech-blocks from the big guns in the fort or otherwise damaged the armament. That is a military duty where defeat is inevitable and the guns cannot be taken away. In such event the Japanese will be obliged, before they can clear the harbor, to drag big guns into the fort over a road more or less exposed, perhaps, to the Russian fire and mount them while being bombarded both by Russian forts and ships. That, as anyone can guess, would be no holiday undertaking.

◆

It is very satisfactory to know that John Hay will remain in the President's cabinet. He is one of the few Americans who have been trained as diplomats—a class which is nearly limited to Andrew D. White, John W. Foster, W. W. Rockhill, John Barrett, Henry White, Lloyd Griscom, John Kasson and the present Secretary of State. Mr. Hay has the attention and respect of Europe and in his hands the foreign policy of the United States will be highminded and firm and without any jingo impulses.

◆

Amid the political wreck of things it has escaped general notice that the Bryan boom for a Senatorship went with the rest. Nebraska's Legislature will choose a Goldbug.

EVERYBODY USES CHAMBERLAIN'S COUGH REMEDY.

"Mothers buy it for croupy children, railroadmen buy it for severe coughs and elderly people buy it for la grippe," say Moore Bros., Eldon, Iowa, U. S. A. "We sell more of Chamberlain's Cough Remedy than any other kind. It seems to have taken the lead over several other good brands." For sale by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

LOCAL BREVITIES.

(From Wednesday's Advertiser)

Will Chislett returns on the Alameda to his home in Los Angeles, California, after a stay of five weeks in Honolulu.

Fusu Hirota has applied for a divorce from her husband, Bunzuchi Hirota, on the ground of non-support and extreme cruelty. They were married at Iwakuni, Japan, in 1899.

Sealed proposals for constructing sections one and two of the new beach road from Kalihiwai Bay to Hanalei will be received by the Superintendent of Public Works until 12 o'clock noon December 13.

After a lingering illness Mrs. John Castro died on Friday evening. The funeral was held Saturday afternoon, burial being at Pearl City cemetery. Besides her husband and two small children, many friends mourn the loss of the good woman.

The regular meeting of the Gleaners will be held at the home of Mrs. Judd, 1748 Nuuanu avenue, on Wednesday, Nov. 30, at 3:30 p. m. Miss Agnes Judd will speak of "Personal Experiences in Old Rome and the Catacombs." No member of the society can afford to be absent from this meeting.

The deal for the fortification site at Waialae was closed yesterday, $32,600 being paid over to the owners of the property in behalf of the United States for 49 73-100 acres of land, including blocks 68, 69, 75, 81, 82, 88, 89, 95, 96 and 97. The money for the site at Puuloa is expected on next Saturday's steamer.

The Bishop Estate is working up a deal to put between three and five million feet of koa lumber on the market. There is a large demand in San Francisco for koa wood for use in veneering fine furniture and interior finishings. The wood will come from the slopes of Mauna Loa where it is of no use and is simply going to waste.

United States Marshal Hendry gathered in a Jap named Onishi Sena for making okolehao on the windward side of Oahu yesterday. The man was examined by Court Commissioner Judd and was released on $1000 bail, being permitted to sign his own bond. He is sick, and it would be impossible for him to get away if he wanted to.

(From Thursday's Advertiser.)

Army and Navy men had a feast at Reist's boathouse Tuesday evening.

The Kilohana picture exhibit is open day and evening and the public are welcome.

The Oahu Ice Company is distributing among its customers handsome 1905 calendars.

The Territorial Grand Jury took further testimony yesterday about election matters.

Yesterday, for the first time since last February, the government paid its employees in cash instead of warrants. The pay roll amounts to about $80,000.

Friends of O. H. Walker will be glad to learn that the popular dry-goods man has gone back to his old line. He has accepted a position with L. B. Kerr & Co.

The first sugar of the new crop arrived yesterday on the Mikahala and was loaded direct into the Kaiulani. The sugar came from Kekaha, which began grinding ahead of the other plantations of the islands.

Governor Carter received a resolution yesterday from the pastor and congregation of Kaumakapili church, congratulating him over the reorganization of the police department and the enforcement of the laws.

Because of the Japanese boycott of Hawaiian-grown rice, the local planters have been forced to ship their rice to San Francisco to find a market. The Japs pay $4 a bag for Japanese grown rice while the local article, of better quality, goes begging at $2.50 per bag.

The Honolulu Symphony Club meets tonight for rehearsal.

J. T. Toeppelmann is reported out of danger at the Queen's Hospital.

F. J. Church has elected to exchange the management of the Haleiwa for that of the Royal Hawaiian hotel.

Clerk W. B. Maling of the Federal court has gone to Molokai goat hunting.

Adam Duncan, formerly of the Honolulu police, is visiting town from Kohala.

Henry Vida succeeds Albert McGurn as deputy sheriff for serving processes of court on this island.

A foursome competition will take place on the Moanalua links December 18th. Draw at 9 a. m. prompt.

J. Love, formerly in charge of the live stock on Honolulu plantation, has joined the mounted police force.

Shiramizi, the Japanese arrested on a wireless message from Sheriff Coney for embezzlement, was sent to Kauai in the Mikahala last night.

Chas. L. Rhodes and wife and Mrs. Frank L. Hoogs and children are coming home in the steamer Sonoma.

Mrs. Charles M. Cooke of 680 Beretania avenue is giving a tea today from 4 until 6 o'clock in honor of Miss Lefferts of New York.

Makaweli, Lihue and Kilauea plantations on Kauai and Waimanalo plantation on Oahu have begun grinding the new crop of sugar.

Old junk in the Government workshop at the foot of Alakea street was auctioned off yesterday and brought good prices. A propeller wheel sold for $400.

Porter Boyd, who sued the Canton-Hankow Railroad Company for breach of contract, got judgment for $14,000. His attorney, F. M. Brooks, received a twenty per cent fee.

Judges De B[illegible] have addressed a l[illegible] Justice Frear, recomm[illegible]ments to the jury law and reform in the matter of court interpreters.

Mr. and Mrs. H. M. Hoban's young son, two and a half years old, died yesterday and the funeral will take place at 10 o'clock this morning, the Catholic cemetery being the place of burial.

Pain in Stomach

It has been said that a healthy person doesn't know he has a stomach.

How unhealthy the dyspeptic must be!

He feels as if he were all stomach, and one thing that makes him feel so is that pain at the pit of the stomach — sometimes an "all-gone feeling"; sometimes a "burning sensation."

"I suffered from pains in my stomach and could not eat. An old gentleman told me to take Hood's Sarsaparilla, which I did, and after the use of four bottles I gained my appetite, and I was soon completely cured, so that now I feel like a new man. On no account would I be without Hood's Sarsaparilla in my house." HENRY CALLAN, 71 Commercial St., Portland, Me.

Hood's Sarsaparilla and Pills

Cure dyspepsia, invigorate and tone the whole digestive system.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, F. J. Lowrey, C. M. Cooke.)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, Dec. 1, 1904.

NAME OF STOCK	Capital.	Val.	Bid.	Ask.
MERCANTILE.				
C. Brewer & Co.	$1,000,000	100	[illegible]	....
SUGAR.				
Ewa	5,000,000	20	25	....
Haw. Agricultural	1,200,000	100		100
Haw. Com. & Sugar Co.	2,312,750	100	....	75
Hawaiian Sugar Co.	2,000,000	20	....	21
Honomu	750,000	100	....	
Honokaa	2,000,000	20	....	20
Haiku	500,000	100	130	....
Kahuku	500,000	20	21	....
Kihei Plan. Co., Ltd.	2,500,000	50	11½	....
Kipahulu	160,000	100	....	....
Koloa	500,000	100	....	....
McBryde Sug. Co., Ltd	3,500,000	20	5	6
Oahu Sugar Co.	3,600,000	100	98½	....
Onomea	1,000,000	20		25
Ookala	500,000	20	8	9
Olaa Sugar Co., Ltd.	5,000,000	20	4	....
Olowalu	150,000	100	6	....
Paauhau Sug Plan Co	5,000,000	50	....	....
Pacific	500,000	100	....	....
Paia	750,000	100	130	....
Pepeekeo	750,000	100	....	....
Pioneer	2,750,000	100	122½	125
Waialua Agri. Co.	4,500,000	100	66½	75
Wailuku	700,000	100	....	135
Waimanalo	252,000	100	....	150
STEAMSHIP COS.				
Wilder S. S. Co.	500,000	100		....
Inter-Island S. S. Co.	600,000	100	102½	....
MISCELLANEOUS.				
Haw. Electric Co	500,000	100	102½	....
H. R. T. & L. Co., Pd	....	....	....	100
H. R. T. & L. Co., C.	1,000,000	100	....	70
Mutual Tel. Co.	150,000	....	....	10
O. R. & L. Co	4,000,000	....	....	....
Hilo R. R. Co	1,000,000	....	....	....
BONDS.				
Haw. Gov't, 5 p. c.	....	....	99	....
Haw. Ter., 4 p. c. (Fire Claims)	....	....	....	....
Haw Terri. 4½ p. c.	....	....	....	....
Hilo R. R. Co., 6 p. c.	....	....	....	....
Hon. R. T. & L. Co., 6 p. c.	....	....	....	105
Ewa Plant., 6 p. c.	....	....	100	....
O. R. & L. Co., 6 p. c	....	....	....	104½
Oahu Sugar Co., 6 p. c.	....	....	100	....
Olaa Sugar Co., 6 p. c.	....	....	....	....
Waialua Ag. Co., 6 p.c	....	....	....	100
Kahuku 6 p. c.	....	....	100	....
Pioneer Mill Co. 6 p.c.	....	....	100	....
Paia 6 p. c.	....	....	100	....
Haiku 6 p. c	....	....	100	....
Hawaiian Sugar 6 p. c.	....	....	....	....
Hawn. Coml. & Sugar Co. 6 p. c.	....	....	....	....

SALES BETWEEN BOARDS.

Twelve Kihei, $12; $24,000 Haw. Sugar Co.'s 6 per cent bonds, $100.

SESSION SALES.

Sixty Kihei, $12.

TIDES, SUN AND MOON.

Days	Nov.-Dec.	High Tide Large.	Ht of Tide	High Tide Small.	Low Tide Large.	Low Tide Small.	Sun rises.	Sun sets.	Moon rises and sets.
		a.m.	Ft.	p.m.	p.m.	a.m.			rises
M	28	7.37	1.7	8.47	2.46	0.15	6.19	5.17	10.34
T	29	8.18	1.5	10.00	3.58	1.29	6.20	5.17	11.34
W	30	8.18	1.3	11.00	4.24	2.16	6.21	5.17	a.m.
		p.m.		a.m.					
T	1	11.10	1.3	10.31	5.06	4.40	6.21	5.17	0.38
F	2	....	....	11.33	5.59	6.07	6.22	5.17	1.50
		a.m.		p.m.					
S	3	0.52	1.5	12.35	6.36	7.18	6.22	5.17	2.52
S	4	1.39	1.5	1.26	7.17	8.26	6.23	5.18	3.52
M	5	2.23	2.1	2.14	8.00	9.15	6.24	5.18	4.52

Last quarter of the moon Nov. 29th.

Times of the tide are taken from the United States Coast and Geodetic Survey tables.

The tides at Kahului and Hilo occur about one hour earlier than at Honolulu.

Hawaiian standard time is 10 hours 30 minutes slower than Greenwich time, being that of the meridian of 157 degrees thirty minutes. The time whistle blows at 1:30 p. m., which is the same as Greenwich, 0 hours 0 minutes. Sun and moon are for local time for the whole group.

METEOROLOGICAL RECORD.

Issued by the U. S. Weather Bureau Office Every Sunday Morning.

Day	Nov	MEAN BAROM.	THERM. Max	THERM. Min	Rainfall 24 h. 8 a. m.	Humidity	Average Cloudiness	WIND Direction	WIND Av. Vel.
S	20	30.06	75	70	.07	66	6	NE	9
M	21	30.04	80	65	.41	66	3	NE	7
T	22	30.14	75	65	.27	64	4	NE	16
W	23	30.00	77	66	.00	64	5	NE	7
T	24	29.97	76	62	T	73	8	VAR	6
F	25	29.10	76	62	T	66	4	N	5
S	26	29.92	75	61	.05	16	1	NE	5

Note.—Barometer readings are corrected for temperature, instrumental errors, and local gravity, and reduced to sea level. Average cloudiness stated in scale from 0 to 10. Direction of wind is prevailing direction during 24 hours ending at 8 p. m. Velocity of wind is average velocity in miles per hour.

ALEX. McC. ASHLEY,
Section Director, in Charge.

TWO JURIES DO NOTHING

Contempt in Divorce Case --- The Hana Co. Foreclosure.

Judge De Bolt had no case before him ready for jury trial yesterday. There were three cases set in their order, and they were disposed of as follows:

Jury was waived in Lewis & Co.'s suit against C. Q. Yee Hop.

Hawaii Railway Co. discontinued its suit against Inter-Island Telegraph Co.

The case of William Blaisdell vs. George Herbert and others went over for the time being, as Mr. Ashford was absent from the city and Mr. Stanley said negotiations for a settlement were pending.

ANOTHER IDLE JURY.

A nolle prosequi was entered in the case of Territory vs. James E. Fullerton, malicious injury, and the defendant was discharged by Judge Robinson. The case had been assigned to Judge Robinson by Judge Gear, before whom this term a mistrial had resulted.

When the case was called yesterday there was no representative of the Attorney General's department disengaged to conduct the prosecution. As a speedy trial was demanded by defendant's counsel, Messrs. Davis and Dunne, Deputy Attorney General Fleming asked for a nolle prosequi.

The cause of action arose out of forcible ejectment under foreclosure of mortgage, in which Mrs. F. Bertelmann received personal injuries. Information was laid before the grand jury and an indictment ensued.

HANA CONFESSION.

In the foreclosure suit of Greenebaum and Altschul vs. the Hana Plantation Co. et al., the Hana Plantation Co., by its attorneys, Castle & Withington, files the following declaration:

"Now comes the Hana Plantation Company and withdraws its demurrers heretofore filed in the above entitled action and consents that the bill and cross bills of M. S. Grinbaum & Co., Limited, a corporation, and the Union Trust Company of San Francisco, a corporation, in this action may be taken pro confesso as to this defendant."

DIVORCE CONTEMPT CASE.

On the petition of the libellant, Mary J. Dickson, an order has been issued by Judge Robinson to Thomas Dickson to appear at 9 o'clock this morning and show cause, if any he has, why he should not be punished for contempt of court for disobeying the order to pay the libellant $10 a week alimony. In her affidavit attached to her petition for the order Mrs. Dickson says that, since the order made on November 14, the libellee has paid her only $6, that he receives wages of $5 a day as a carpenter, that he said he would go to jail rather than pay the alimony ordered, that she is in destitute circumstances and relying absolutely on the alimony for the support of herself and her two children living with her and, finally, "that said libellee is fully able to pay affiant said weekly sum as aforesaid, but he refuses and neglects to do so, on the contrary spending his earnings in riotous living and drink." E. A. Douthitt is attorney for the libellant.

COURT NOTES.

The suit of Joseph F. Smith of Salt Lake City, trustee of the Mormon church, vs. Yick Lung Wai Co.'s partners has been discontinued "at the plaintiff's costs without docket fee," by T. M. Harrison, attorney for the plaintiff.

A motion to modify decree in the separation suit of Justice A. Franca vs. A. F. Franca has been set for hearing on December 7 by Judge Robinson.

Petitions of George N. Wilcox and Oahu Market Co., Ltd., respectively, in the Court of Land Registration have been referred to Lyle A. Dickey as examiner of titles.

PORTUGAL'S NATAL DAY

(Continued from page 1.)

a function long to be remembered by those so fortunate as to participate. George Lycurgus had decorated the upper room of his popular cafe in the Portuguese colors, blue and white, and down the center of the room ran a long table with a "T" at the top for the presiding officer and the speakers. The guests gathered early, and at seven-thirty the tables were crowded with some of the most prominent men of the Portuguese community. The menu, served in the highest style of the art Lycurgus, opened with a toast to Portugal, and was discussed to the end with the greatest enjoyment. This was the menu:

Prosit
"Viva Portugal!"
Sopa de Tartaruga a la Lisboa
Azeitona d'Elvas   Coriuma de Macau
Salada de Camarao a la Carlos
Vinho do Porto
Lombo de Solha a la Sao Miguel
Pommes d'Angola
Lagosta da Graciosa a la Mocambique
Croquette de Riz, Molho Lusitano
Ponche a la Dona Amelia
Costellas de Carne a la Madeira
Milho das Flores,   Hominy da Guine,
Ervilhas do Pico,
Batatas Amassadas da Terceira
Pudim d'Ameixas do Fayal com doce de
Bonganga
Nozes d'Africa
Amendoas de Santa Maria,
Laranjas de Cabo Verde,
Macaes de Sao Jorge   Quejo Portugues
Charutos da India
Cafe de Timor

The speeches were in Portuguese, and the speakers were cheered to the echo. The enthusiasm, indeed, arose to the wildest pitch when Chairman Pacheco called upon Manoel J. Coito, who arose in his place and recited a hymn that he had written for the occasion.

HYMNO DA RESTAURACAO.

Patria! de longe te saudam,
Com amor os filhos teus,
De tuas glorias se ufanam;
Amor patrio vem de Deus!
Estribilho.
Viva a patria, vivam os Lusos,
Viva o reino da egualdade;
Viva a santa Restauracao,
Viva o paiz da liberdade!

O amor da patria mae,
Jamais se pode apagar;
De longe o incenso vem
Nossos coracoes avivar.
Que importa auzencia da patria,
Que importa mesmo revezes,
Se o peito com alegria
Nos brada "sois Portuguezes!"

Os filhos de Portugal,
Dictados pelo coracao,
Soltam o grito filial:
Viva a Restauracao!

M. J. COITO.

Honolulu, 1° de Dezembro de 1904.

Antonio D. Castro toasted the ladies, after that, and Jose D. Marques closed the program. But there were other speakers not on the program, and it was late before the enthusiasm waned, and the company dispersed. The following was the list of speakers, with their toasts:

"Introduccao," Manoel Caetano Pacheco.

"A Mae Patria," Rev. Padre Stephen.

"Os Portuguezes em Hawaii," Juiz Antonio Perry.

"Opportunidades para Jovems Portuguezes em Hawaii," Louis R. Medeiros.

"Sociedades Portuguezes em Hawaii," Jose Gomes da Silva.

"A Colonia Portugueza em Hawaii e o seu Futuro," Antonio G. Correa.

"A Nossa Terra Adoptiva," Augusto H. R. Vieira.

"A Familia Real," V. O. Teixeira.

"O Nosso Representativo," Jose Dos Passos Rodrigues.

"Hymno da Restauracao," Manoel J. Coito.

"As Damas," Antonio D. Castro.

"A Imprensa Portugueza em Hawaii," Jose D. Marques.

INFLUENZA

Can be cured by commencing at the first symptoms to use Chamberlain's Cough Remedy. Thousands have used this remedy during the past year, and we have to learn of a single case where they were not pleased. For sale by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

Judge De Bolt will hear an application for a writ of habeas corpus tomorrow morning, on behalf of a Japanese fisherman sentenced at Ewa to imprisonment for violation of the proprietary sea fishery law. Such fisheries are abolished by the Organic Act, but with vested rights reserved to proprietors who can establish such in the manner provided in that enactment.

HOW TO GAIN FLESH

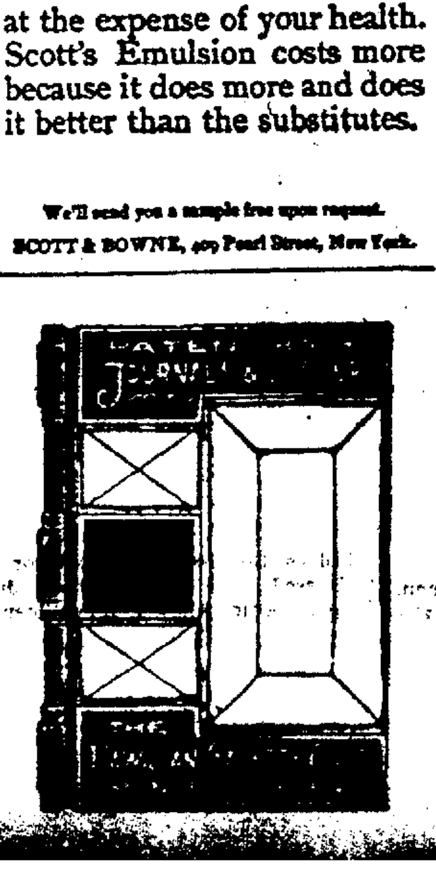
The life of food is the fat within it—the more fat the more real benefit from the food; that is why cod liver oil is a powerful builder of flesh.

Scott's Emulsion of pure cod liver oil solves the problem of how to take cod liver oil. That is one reason why doctors have been prescribing Scott's Emulsion for all wasting diseases, coughs, colds and bronchitis for almost thirty years.

One of the inducements offered in order to substitute something else for Scott's Emulsion is the matter of cost. You save a few cents at the expense of your health. Scott's Emulsion costs more because it does more and does it better than the substitutes.

We'll send you a sample free upon request.

SCOTT & BOWNE, 409 Pearl Street, New York.



GEAR'S RULINGS FAVOR THE SIDE OF MAHAULU

The Case Did Not Go to the Jury Yesterday But May be Submitted Today---Mahaulu Swore Falsely.

Although less than two hours was consumed in the conclusion of all the evidence yesterday, the trial of Stephen Mahaulu for embezzlement of public money did not go to the jury. Upon a strenuous protest of Deputy Attorney General Prosser against a ruling by the court on the matter of instructions to the jury, Judge Gear evidently concluded to sleep a night over the question of law at issue. Pending the agreement on instructions, the closing addresses of counsel to the jury are yet to be delivered.

Judge Gear supported the counsel for the defendant in the contention that a person holding a position of financial trust may misappropriate the money of his employer a hundred times, each time after the first to cover a previous theft or thefts, yet cannot be convicted of embezzlement, as to any misappropriation, excepting for a given sum of money which is actually proved to have been absolutely lost to his employer through conversion of such sum to his own use or that of any other than the owner. Applied to the case at bar, Judge Gear thus far holds that money paid by the Honokaa Sugar Co. on its own account, which has been used to pay misappropriations formerly made on other accounts, and money paid by Mrs. Clark on her own account, used to make up the Honokaa account defalcation, and so on in an endless chain, is not in any of the cases embezzled so long as it finally reaches the Treasury. Therefore, to obtain the conviction of any public official for a series of thefts it is necessary to prove the stealing of the first sum stolen or else the last—the intermediate misappropriations to cover all previous defalcations being a mere matter of bookkeeping.

Mr. Prosser, in his final appeal, informed the court it might as well direct a verdict of acquittal at once, Mr. Thompson having challenged him on this to consent to a directed verdict, the Deputy Attorney General declined to surrender so easily. Instead he recalled Mahaulu for the purpose of impeachment and proved out of his mouth that he had sworn falsely when he said that the $925 received from Mrs. Clark—the subject of one count in the indictment—had been deposited in the Treasury, to cover a previous shortage or anything else. The final disposition of that sum of public money is, up to this moment, an impenetrable mystery.

CLOSE OF EVIDENCE.

Mahaulu reappeared on the witness stand at the opening of court in the morning and his cross-examination by Deputy Attorney General Prosser was resumed. He said the sum of $925 received by him from Mrs. Clark was paid into the Treasury as part of a payment of $935.37, and when asked where the balance of $10.37 came from could not say. The schedule was in his handwriting.

"You got Boyd to swear to that?"

"He swore to it himself."

Defendant testified he knew it was false, adding that Boyd knew it was false. He knew that particular schedule was false. Other schedules of Treasury deposits now shown him were incorrect. He did not ask Boyd to sign them. Drew them up for Boyd to sign. Another schedule exhibited he thought correct, because it balanced, but he admitted the false schedules also balanced. He was using money that came in one month to cover up deficiencies of former months.

"In spite of that oath that the schedule is correct, is it untrue?"

"I am talking of Boyd's schedules."

"Make up the schedules myself. Knew them to be false. Presented them to Boyd to sign. He (Boyd) knew they were false himself. Yes, I knew it too. During all that time I never spoke to anybody about the matter."

Mr. Prosser showed the defendant receipts numbered 1111 to 1114 inclusive dated October 25, 1902, and a check on Bishop & Co. for $4496.50 covering the total amount of the receipts. Mahaulu identified the exhibits as representing a payment by the Honokaa Sugar Co., which he could not find entered in either the stub receipt book or the cash book. The entries were not there, he testified. The check was cashed by himself, and the money used to cover up previous deficiencies. The $4500 from the Waianae Co. was used to cover up that deficiency.

Mahaulu said he had "kind of forgotten" a conversation between former Commissioner Brown and Boyd about Boyd's shortage in Brown's time. When the following statements of the conversation as made by him in the Attorney General's office to Mr. Peters were read to him he admitted the report was correct, viz.:

Peters—"You heard Brown ask Boyd where the money was?"

Mahaulu—"Yes."

Peters—"What did Boyd say?"

Mahaulu—"He went to the safe and brought some drafts that I had given him."

Mr. Thompson objected to a later question put by Mr. Prosser, "because carrying moneys forward to cover up previous deficiencies is not embezzlement." He quoted a Massachusetts decision in support of this contention.

Mr. Prosser quoted an Iowa decision diametrically opposite. The court favoring the objection Mr. Prosser said:

"Boyd owes $4500 to the Treasury and this man takes the Territory's money to pay it. This is embezzlement just as much as if Mahaulu took the Territory's money to pay Boyd's water rates or any other debt he owes."

Judge Gear argued against the Deputy Attorney General's proposition, and Mr. Prosser brought the cross-examination to an abrupt close.

Mr. Thompson rested the defense and the jury was excused while instructions were being discussed. At 11:30 the jury was called in and further excused until 1:30 p. m., Judge Gear saying he desired time to consider disputed points in the instructions.

IMPEACHMENT.

Mahaulu was called again by Mr. Prosser after the matter of instructions had been discussed some time between court and counsel. Mr. Thompson objected, saying the defendant could not be put on for rebuttal. Mr. Prosser said he might recall him for further cross-examination and answering the court, said the purpose was impeachment. To this there was no objection.

In the forenoon the defendant testified that a certain deposit of $935.37 in the Treasury consisted of the $925 he received from Mrs. Clark and the balance money from a source he could not state. Now he identified a deposit slip signed by himself, dated June 30, 1903, for that sum of $935.37. It consisted of about a score of items, none of which had any relation to the Clark payment.

Mahaulu was asked to show the court and jury where the $925 came in, which utterly confounded him. Being followed up on that tack, he admitted that every single deposit entered on the slip was a Treasury warrant, that he did not deposit one cent of cash in the Treasury at the time stated, that he received Mrs. Clark's money in cash and that he made no other deposit the day he deposited the $935.37.

This finally closed the taking of evidence. It was then 3:30 p. m. Judge Gear excused the jury until 10 a. m., and took recess of court until 9:30, today.

EXECUTION WAS RIGHT

Action of U. S. Marshal Hendry Judicially Sustained.

Judge Dole, in the United States District Court yesterday, rendered a decision overruling the motion "to set aside and vacate a pretended levy of execution, and for the recall of the execution," which had been made by Humphreys & Galbraith on behalf of Chong Yock Wing. The motion had been opposed by J. J. Dunne, Assistant District Attorney. Incidentally, the decision is a certificate to Marshal E. R. Hendry of considerate and judicious exercise of his functions when he has duties of great responsibility and some unpleasantness to perform.

Chong Yock Wing is a member of the firm of Wing Sang Co., there being three other members thereof. Judgment was rendered against him for smuggling, on which an execution issued. The Marshal levied, taking possession of the goods in two stores of the firm and allowing the firm to carry on, in the presence of his guard, a cash business, all cash received in such business being taken possession of by the guard.

The Marshal advertised the sale of Chong Yock Wing's interest in the firm, which sale had been put off twice. One postponement was on account of a new levy and the other for want of bona fide bids. After the second sale the motion now denied was made.

For the first ground of motion it was stated: "That there is no authority of law for seizing the property of a firm on an execution against an individual member of a partnership." The decision holds that "an execution is properly levied on a partnership property, and a sale made in relation thereto must be the sale of the undivided interest of the judgment debtor, the purchaser taking only the interest which such judgment debtor, a member of the partnership, had in the partnership property, such sale not transferring any [illegible] component part of the partnership property to the purchaser, but [illegible] interest which can be [illegible] upon an accounting and settlement of the partnership affairs."

The second ground of the motion was that "the pretended levy and said execution on the interest of said Chong Yock Wing in the partnership of Wing Sang Co. was illegal, irregular and void." On this Judge Dole says in part:

"The responsibility of the Marshal toward the judgment debtor in levying an execution is very heavy. He is liable for all losses which occur during his possession except those occurring from irresistible causes, and although it is not necessary that he should remove the property levied on, and it is practically undesirable that he should do so in case of the levy on partnership property for the debt of a partner, yet he must exercise sufficient authority and care to protect such property and hold the same to answer the exigencies of the writ."

With some further observation, with authorities cited, the court says "the action of the Marshal as shown by the affidavits was a legal levy and consistent with the authorities. He had possession of the goods and retained such possession and allowed such privileges to the partnership in order to reduce their inconvenience and injury as much as possible."

In the third place the movants represented that the conduct of the United States Marshal was a wanton and unlawful interference with the business of the firm. Judge Dole refers to the postponements of the sale for the reasons already stated and says:

"I do not find anything in the evidence which shows a disposition to unnecessarily prejudice the movers in this case."

As to the last ground alleged, "that the execution is being used to annoy and harass the firm," the court says it is disposed of in the consideration of the previous ground, and counsel stated in open court that they did not believe the Marshal was intentionally using his authority to injure the firm.

The motion is overruled on all the grounds.

PLENTY DOING IN THE POLICE COURT

Loloihi and his wife, charged with practicing kahunaism, were discharged yesterday afternoon. The case has been hanging fire for several weeks. Hong Chew, a principal in a che fa gambling game, was found guilty and fined $200 and costs. His bail had been $200 and so he would have saved a dollar and a half had he failed to appear. He appealed, but, as there is a strong case against him, he is liable to come out worse than ever. Sim Pin, a Chinese, was arrested and fined $10 yesterday for peddling rotten fish. He broke a Board of Health rule by so doing and suffered in consequence.

A young native, charged with being a runner for a che fa game, was discharged and the Deputy Sheriff then asked that all the other gambling cases be postponed until this morning. Kowa, a Japanese, was discharged. He was charged with larceny in the second degree.

There were very few arrests during the day. Ramon Rigo was arrested for assault and battery. He explained that his wife would fear he did not love her if he did not beat her once in a while. Two drunks were brought in, William Foster and Kapena. Foster is arrested about once a week on this charge. Kapena was found lying in front of Woods & Sheldon's on King street. He said that the Portuguese celebration had been too much for him. Several friends of that nationality had given him more wine than his legs could carry. Joe Macario was arrested for assault and battery on Nunes. The quarrel was the result of too much Portuguese celebration. Lui Hookano was brought over from Koolaupoko during the day. She had been given a year in jail by the District Magistrate of that District.

Parker Case Stirring.

At another butt-inning of the Parker case before Judge Gear yesterday, a hearing was set for 9:30 this morning.

Magoon pleaded for night sessions, against which Kinney said he would perpetually kick—saying that he would accept the nocturnal servitude as commutation for a run out of town he was going to make. He said the case would take two months.

Magoon gritted out his determination to prosecute the case, when once started, unceasingly to finish.

Kinney advised him to go home and take leave of his family.

"Yes," Magoon replied, "and make my will."

A WONDERFUL DISCOVERY.

This is the age of research and experiment, when all nature, so to speak, is ransacked by the scientific for the comfort and happiness of man. Science has indeed made giant strides during the past century, and among the—by no means least important—discoveries in medicine comes that of THERAPION.

This preparation is unquestionably one of the most genuine and reliable Patent Medicines ever introduced, and has, we understand, been used in the Continental Hospitals by Ricord, Rostan, Jobert, Velpeau, Maisonneuve, the well-known Chassaignac, and indeed by all who are regarded as authorities in such matters, including the celebrated Lallemand, and Roux, by whom it was some time since uniformly adopted, and that it is worthy the attention of those who require such a remedy we think there is no doubt. From the time of Aristotle downwards, a potent agent in the removal of these diseases has (like the famed philosopher's stone) been the object of search of some hopeful, generous minds; and far beyond the mere power—if such could ever have been discovered—of transmuting the baser metals into gold is surely the discovery of a remedy so potent as to replenish the failing energies in the one case, and in the other to effectually, speedily and safely to expel from the system the poisons of acquired or inherited disease in all their protean forms as to leave no taint or trace behind. Such is the New French Remedy THERAPION, which may certainly rank with, if not take precedence of, many of the discoveries of our day, about which no little ostentation and noise have been made, and the extensive and ever-increasing demand that has been created for this medicine wherever introduced appears to prove that it is destined to cast into oblivion all those questionable remedies that were formerly the sole reliance of medical men.—Diamond Fields Advertiser, Kimberley.

ISLAND LAW IN CONFLICT

Work Being Mapped Out by Carter for Legislature.

"An effort will be made to get the next Legislature to enact certain laws and amend others, to the end that some points of friction may be smoothed away and a better administration all around be secured," said Governor Carter yesterday.

"To this end the heads of the various departments have been instructed to keep watch and submit, from time to time, such points as may come under their observation in their work, with a view to betterment all around. Of course, in attempting to harmonize the new system here with the old systems and the laws of past times, there have arisen certain anomalies, and certain contradictions have been noted that have had to be adjusted as they have arisen—and these on points that no legislature would think of going into unless attention was called to them specifically. All things considered, it is really remarkable that we have adjusted the new to the old here as well as we have.

"For instance, there is a matter of the appointment of inspectors to issue marriage license, which has just come up in a case that has arisen on Maui. There was a district there that had been without such an official, because nobody seemed to know whose duty it was to appoint, and when a couple wanted to get married, there was nobody authorized to issue the license. The matter was referred to the Department of Education, when it was found that although the appointment of these inspectors had to be approved by the department, it was really the Treasury Department that had the appointment. And because the appointment was thus everybody's business it became nobody's.

"Again, the old law provides that no master of any vessel shall land any domestic animals on these islands until the Customs officials have been notified, and until they in turn shall have notified the animal inspectors. Now, the Customs officials are federal officials and of course they don't want to bother with something that does not come within the line of their duty to the federal government. You see where the law leaves us therefore with reference to animals shipped into the Territory.

"The Surveyor has notified me that when a town site is platted under the law, and men buy lots in it by numbered lots in letter blocks, there is no provision, although the map be actually on file, of tying the survey down to any particular place. In other words, a man may buy a lot in a town site, according to a recorded map, and yet have nothing to actually show him where his lot is. The point is that maps should be filed with the Land Court.

"Another point of friction is with reference to the Boundary Commissioners, and it has been suggested that, at least for the island of Oahu, it would be better for us to have the Torrey Land Court to pass upon and settle all questions of boundaries.

"Many other points have come up, and many more suggestions will be made between now and the time of the meeting of the legislature. But, as I said before, it is really remarkable that we have got on as well as we have, all things considered."

YES OR NO?

Honolulu People Are Respectfully Asked to Answer These Questions.

Is there anything in the evidence of one's senses?

Is there anything in the testimony of one's friends?

Can reliance be placed upon statements from people we know?

Are the opinions of local citizens of any greater moment than those of strangers?

Would you sooner believe people living in some far-away place than residents of your own city?

We think not! for home proof can easily be investigated.

Mr. W. J. Maxwell of this town, Truant officer, writes thus: "I suffered with a horrible pain in the small of my back (an almost invariable symptom of kidney trouble) for a number of years. I was advised to take some of Doan's Backache Kidney Pills, and following the suggestion, I went to the Hollister Drug Co.'s store, Fort street, and got some of these. Having taken them, they relieved me straight away, and are, I may say, the best and in fact the only cure for backache. I have mentioned the virtue of this wonderful remedy to several persons, among whom is my friend, Mr. Frank Metcalf, who found relief, and he is now a firm believer in Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes $2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

NewspaperARCHIVE® NewspaperARCHIVE®

AT M'BRYDE PLANTATION

Senator D. P. R. Isenberg Entertains There.

The Garden Island says: Last Wednesday morning at ten o'clock a large party of pleasure seekers from Lihue and Koloa, gathered at Kukuiula, McBryde Plantation, at the bidding of Senator Paul Isenberg, president of McBryde Plantation Company, to spend the day in sight seeing on McBryde Plantation. Senator Isenberg, Manager Stodart of McBryde's, and Head Luna Weinshemer of Lawai, were there to receive the guests and conduct them to the train of cars which had been fitted up specially for the excursion. It was explained that the train was subdivided into palace cars and smoker and after the members of the party had comfortably settled themselves in their choice, the train slowly moved from Aipo Gulch toward Koloa up through the Smith estate lands, which were covered with large, heavy, long rattoon cane.

The railroad runs here for about a mile through as fine cane as grows on the island, entirely unharmed from leaf hopper or borer. This land is old cane land, comprising about 350 acres but it certainly has lost none of its vigor.

From the heights of the Smith lands a most beautiful view of Koloa and the ocean was presented. The four old craters of Mahaulepu loomed up in the distance and to the right jets of spray shot into the air from the Spouting Horn.

After passing over the Smith lands the trains returned by the same route to Aipo Gulch and moved westward over the East Lawai lands for about a mile and from there on to the East Lawai lands mauka covering a stretch of a mile and a half, all covered with a fine growth of long rattoon, a good deal of which will be taken off for the 1905 crop. This Lawai land is all new land with a rich, deep soil and grows most excellent cane. Passing over the Lawai Gulch on a very high and strongly-built bridge, we skirted Lawai Gulch for a time over a road bed in many places blasted out of solid lava rock and as we entered upon the West Lawai lands the train passed through two tunnels cut through the corner of the cliff, one 300 feet long and the other 500 feet long. This railroad from West Lawai to the Smith lands is the most expensive road on the plantation the stretch of three miles, including the bridges, costing about $40,000.

In Lawai Gulch is situated one of the three large pumping stations of the plantation, the other two being in Hanapepe Valley. These pumps supply the plantation with twenty million gallons of water daily, when that amount is required for irrigating purposes. Besides this water which is used in quantities required the regular irrigating ditches from the mountains, being eight million gallons of water to the plantation daily, and the plantation gets from the Makaweli Plantation through the Hanapepe Ditch, surplus water from that plantation amounting from three to ten million gallons a day This water is not especially needed except in the months of June, July, August and September, when all the surplus water Makaweli Plantation can spare is used on McBryde's.

Besides these sources of water supply, McBryde's has a reservoir capacity of eight hundred million gallons which is collected in the rainy season and used in the dry season

The West Lawai lands, all new, are about three miles wide, and contain the strip of government land, about three quarters of a mile wide, running from the sea to the mountains, called Kalaheo, on which the lease will expire in a couple of years This Kalaheo land at the present time is covered with a fine growth of cane, plentifully watered, but the land has no water right, and after reversion to the government, unless water can be secured for it in some way, will become worthless

Crossing the Kawaihaka Gulch from West Lawai we passed on to the Wahiawa lands and took a spin of a mile, through fields of heavy long ratoon, to the new McBryde mill

This is one of the largest and most finely equipped mills on the Hawaiian Islands It is a nine roller Cuban mill and was designed by O. B Stillman, the famous sugar mill man, and cost erected and complete in every detail, $400,000

It takes ninety-six men all told night and day shifts to operate the mill and it has a capacity from 100 to 125 tons a day Manager Stodart piloted the company through the mill explaining the various mechanisms and devices The machinery is being put in readiness for use as McBryde will begin grinding on December 6th

From the mill the expedition proceeded westward over the Wahiawa Gulch on to the Eleele lands which extend for a mile and a half down to the Eleele Landing These Eleele lands are old lands and comprise the sugar lands August Dreier formerly cultivated as the old Eleele Plantation

At Eleele Landing the excursion came to an end and the entire company was whirled back over the route before travelled to the McBryde Beach House at Lawai where Mr Walter McBryde had prepared a sumptuous luau for the hungry pleasure party On the way back to Lawai from Eleele Mr Stodart entertained the party answering general questions about the plantation The excursion party had passed over a stretch of McBryde Plantation lands about 12 miles wide which is the width of the plantation while it extends back to an average depth of two miles to the mountains and contains an aggregate area including pasture and forest lands, of 12,000 acres of which [illegible] acres are at present planted to growing cane

It takes an immense amount of labor to prepare this land for cultivation. McBryde's has four sets of Fowler steam plows and tackle, which are kept busy plowing its cane land.

Although at various seasons of the year different work is going on, still on a plantation there is steady employment for its labor and McBryde's keeps fourteen hundred men busy. There are fifteen miles of permanent railroad on the plantation and they have nine and a half miles of portable track which they use in cane cutting season. It takes three Baldwin locomotives and four hundred fifty cars to do the transportation work on this gigantic estate.

The 1905 crop, which Mr. Stodart will begin taking off within a week or so, comprises 2500 acres of cane, 800 acres of which is plant, 460 acres is short rattoon and 1350 acres is long rattoon Mr. Stodart places the 1905 crop at 13,000 tons of sugar, and he believes this is a conservative estimate.

The 1906 crop covers 2700 acres and comprises 750 acres of plant cane, 1669 acres of long rattoon and 332 acres of short rattoon.

The lands of the McBryde Plantation are nearly all new lands and therefore rich and strong and much more productive than old lands and cheaper to cultivate because they do not require fertilizer, which is a big item of expense to older plantations.

The old lands on McBryde are the Eleele lands containing about eight hundred acres and the Smith lands containing about three hundred fifty acres, while the plantation has about one thousand acres of good cane land yet to be cleared for cultivation.

The magnificence of McBryde's can only be appreciated after a thorough inspection such as that given us by Mr. Isenberg and Mr. Stodart last Wednesday. The great stretches of tasseled cane, thousands of acres of it, waving from the sea to the mountains, miles wide, impressed one with the great work the plantation is carrying on. The closer view of the cane from the cars, as it stands on both sides, thick, heavy, long-jointed and tall, almost entirely free from leaf hopper, and damaged to a surprisingly small extent by borer, six, eight and ten ton acre cane, seems to indicate that this is one of the finest and safest sugar properties on the island. Certain it is that every one on that tour of inspection felt enthusiastic over the ever-present indications of careful, level-headed, management which has produced such fine results—cane, good, healthy cane, everywhere.

At the McBryde Beach House, the company sat down at two o'clock on the lawn under the shade of the cocoanut trees to a delicious luau to which full justice was done by all present. The drive to Kukuiula in the morning, the train ride over the plantation, and the keen, invigorating air out-doors had whetted appetites to a keen edge. Mr. Isenberg welcomed the guests in the name of the McBryde Plantation Company, and said it was a great pleasure for Manager Stodart and himself to be able to show them what the plantation had accomplished. During the feast toasts were made to the ladies, to Senator Isenberg and to Manager Stodart and a native stringed band from Koloa also assisted in the entertainment. After the luncheon was over a social half-hour was spent in conversation, when the company once more boarded the train and were taken to Kukuiula, whence they departed for home about four o'clock, after one of the most delightful of excursions, made most interesting and pleasant by the thoughtfulness and geniality of Mr. Isenberg, Mr. and Mrs. Stodart and Mr Walter McBryde.

Those comprising the party were Senator and Mrs S W. Wilcox, Mr and Mrs. Hans Isenberg, Mr and Mrs R. W T Purvis and Silvine Purvis, Mr and Mrs. John A. Palmer, Mr. and Mrs. Charles A. Rice, Mr and Mrs. W H. Rice, Jr., Mr. and Mrs Sheriff Coney, Mr and Mr. R W Wilcox, Mrs C H Bishop, Mr and Mrs Stodart, Mrs Christ, Mrs A S Wilcox, the Misses Elsie and Mabel Wilcox, Quinn, Rice, and Messrs. W H Rice, Sr, Dempster, J C Davis, W. Fisher, J K. Farley, Willard, Cropp, Senator Gandal, Senator Isenberg, Walter McBryde and Head Luna Weinzheimer.

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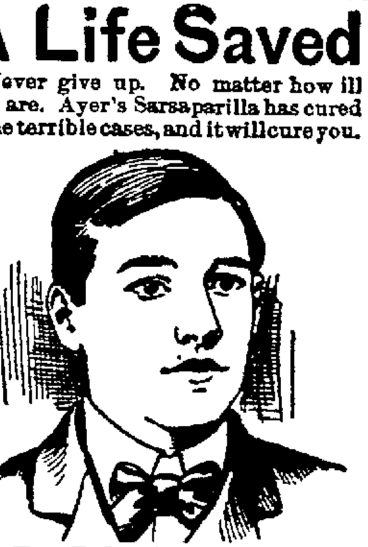
The County Act Commission will resume its weekly sessions on the first Tuesday of January. The Act will be presented for consideration.

Nomination of officers at a meeting tonight of Powhatan Tribe, Order of Red Men which all members of the Order are requested to attend.

A Life Saved

Never give up. No matter how ill you are. Ayer's Sarsaparilla has cured some terrible cases, and it will cure you.



Mr. Thos. H. Cashel, Barrel Creek, Dripstone, New South Wales, writes:

"I feel it my duty to let suffering people know what a wonderful blood-purifying medicine is Ayer's Sarsaparilla. My illness began with sharp pains in the limbs, while I was handling wet wool After a day or two I could not walk, and suffered terrible pains. My face turned nearly black, large red blotches came out all over my body, and then I became delirious I was in two hospitals for some time, and everything was tried, but I grew weaker and weaker, and became convinced that nothing could be done for me. I had heard so much about Ayer's Sarsaparilla that I thought I would give it a trial as the last hope. After taking one bottle I thought I felt a little better. So I procured another bottle, and then another, and still another. I gradually improved, and in due time left my bed for the first time in six months I am now in good health, and I say to every one that Ayer's Sarsaparilla saved my life."

AYER'S Sarsaparilla

There are many imitation Sarsaparillas. Be sure you get "Ayer's"

Prepared by Dr J. C. Ayer Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO., Agents

JOHN F. BASS TELLS OF EXPERIENCES IN THE FIELD

"As to Port Arthur's falling I believe that such an event would not by any means bring the Japanese-Russo war to an end. This crisis of the war from the Japanese standpoint will be when the Baltic fleet arrives in the Inland Sea, if it ever does, for then a decisive battle will be fought which will determine whether or not Japan can still hold the mastery of the seas."

John F. Bass, the war correspondent of the Chicago Daily News syndicate, who is just returning from the scene of the bloody operations on the Liaotong peninsula, sums up the situation in the Far East as above. He also believes that on land the Russians and Japanese have fought each other to a standstill. However, he still thinks the Japanese able to drive the Russians back, not because the former is an inferior force, but because it is not a mobile force.

Mr. Bass places more importance on what the Baltic fleet may or may not be able to accomplish, than on what future land operations may develop. The Baltic fleet, on paper, gives the Russians many more and newer battleship than the Japanese. Should the Japanese fleet be defeated, the Russians could stop Japan's transport fleet, which is conveying troops and supplies to Manchuria, which in time would cause the Japanese armies to be cut off entirely from provisions and ammunition. Port Arthur could then be revictualled, its forces and fortifications strengthened and Russia would once more be in a position to continue the war.

Mr. Bass brings out one point very strongly which is disadvantageous to the Japanese. He doubts that the Japanese admiral has been able to replace the big guns on his vessels with new ones. The life of a gun is practically at an end after being fired a limited number of times. In this event Togo would have to match his old guns against the newer, but untried guns of the Russian admiral.

"If the Baltic fleet arrives in the Inland Sea," said Mr. Bass last night aboard the steamship Siberia, "the Japanese will be compelled to meet it. That will give the Russian vessels now lying in Port Arthur an opportunity to repair and make an effort to get out of the harbor. The Japanese may thereby be harassed from all sides. Japan says she has lost one battleship. I believe she has lost two, thereby weakening her sea force measurably.

"It is my belief, however, that the Russian fleet will not show up well, but if by any chance the Russian fleet is an effective force there will be a severe battle, and in case the Japanese fleet is disabled Port Arthur can again be revictualled and remanned, all that she needs to make her once again an impregnable fortress.

"The fall of Port Arthur and the defeat of the Baltic fleet will not necessarily end the war. The Russians will fight on and contest every inch of ground. The time may come when the powers will intervene. Both these nations are fighting on territory not their own. The powers have certain treaty rights there and some day they may step in and say, 'You have had time enough to settle your difficulties, now get out'

"I do not think the experts believe the war will revolutionize military matters. The Japanese have brought military arts to a perfection of which they may be proud. They have not been altogether creative, but they have followed to the letter the text books on tactics. Their officers have studied the science of war in every detail, and they have been able to make their knowledge practicable in the field.

"The Japanese army is a splendid organization. I think the Japanese army is as well organized as any in the world. I don't mean to say that the Japanese infantryman is the best in the world. I don't consider him, individually, superior to our American infantryman. But as a body of men trained together they are about perfect

'For instance, they take advantage of the ground they are fighting over. They have no set or fixed way of deploying over any piece of ground. The soldier or body of soldiers adapts the ground to his needs They advance at the outset in a strong line Then when the firing becomes heavy, the men stop and groups run forward and drop, smaller groups of these again advance until one man is moving ahead. Then he is joined by another and these two form a new nucleus which begins firing on the enemy. The Russians on the other hand make an attack, and if it does not succeed they fall back.

"You cannot give too great praise in the management of the Japanese artillery. They had 1,000 yards less range than the Russians at Liaoyang, but under cover of night they worked smaller pieces into position and opened up a terrific fire on the Russians, nonplussing them.

"Then the management of the whole army. Our division, Kuroki's, had about 20,000 men. You would hardly know you were in the midst of an army. The force was scattered about in little villages, a half company here and half there, making little noise and seeming peaceable in their pursuits. But when you know the army is to move you can watch from a road and see it assembling at night, silently, hardly a whisper and little noise outside the creaking of the artillery wheels.

"I consider the Japanese weak point is their strategy. In other words it does not seem to me they have the men to conceive great ideas. It is the perfect details of the organization of the army and the execution of plans which shows them in a fine light. It is the contrary with the Russians. The army is disorganized and the line officers are very inferior and they don't know their business. They have the old tradition that an officer must be a devil of a fellow, a gambler and drinker.

"The Russians don't know how to operate in the face of an enemy. At the Yalu the Russians gave their worst exhibition of field tactics, but at Liaoyang we noticed they had been improving gradually, and it showed they had been whipped into line by a masterful hand. When Kuropatkin was able to retire from Liaoyang without serious losses it showed he had accomplished a really wonderful feat.

"Kuropatkin has whipped his army into line to fight well on the defensive, but they will not be able to fight on the offensive, and it will be a long time before they can do so.

"Consequently, it seems to me improbable that the Russians can drive the Japanese out of the territory they have already gained."

Mr. Bass has a forlorn story to tell of his experience in endeavoring to get to the front with the Japanese armies. The officers lied to the correspondents as to when they would get away, and when they were at the front the writers were kept from opportunities to view fighting at close range. They were spied upon, their messages terribly cut up by the censor and in many cases, too numerous to mention, the dispatches never got to their papers at all.

At one time when provisions were giving out and they had been subjected to numerous indignities, the correspondents sent a delegation to headquarters to request the privilege of going to Newchwang to replenish their stores. They were refused. They were told to keep away from headquarters. Finally correspondent McCue said to Fuji, the chief of staff: "It seems as though you don't want us here." Fuji replied: "No, we don't want you here." McCue and Knight then asked for their papers. Melton Pryor asked Oyama to let the correspondents go within two miles of a battle. Oyama said four miles was near enough. In the meantime the rescript of the Emperor had been issued which instructed the generals and officers to treat the correspondents with consideration and to give them opportunities for watching events at close sight. Before this rescript arrived the correspondents were told that the Japanese did not want their dispatches to go out to the world. They had ways of circulating their own news.

Then suddenly came a change. A staff officer asked if they would like a special train in which to go to Newchwang to get provisions Then another officer on behalf of the staff invited the correspondents to dinner, which they declined. Then each correspondent was taken aside by an officer who explained with extreme courtesy a fine little point. Perhaps, he said, that the correspondents had remittances, or perhaps they did not, the same not having arrived, and perhaps the government could advance them whatever they might need on their checks, etc. The correspondents were completely taken off their feet. The Japanese even took their messages, carried them to Newchwang without charge and in the case of an Associated Press man who had no credit at that station, the Japanese sent his entire message at their expense

There is one thing which Mr Bass states quite strongly, and that is that the Japanese have continually minimized their losses.

A STORY OF GRAFTING

(Continued from page 2)

tion and the court favored the objection, asking the Deputy Attorney General why he did not ask him what was his intent

'I will ask any questions your Honor suggests Mr Prosser said Then, to the defendant

"What were your intentions in making this receipt out?"

Mahaulu—It was not my intent. It was through the instructions of my superior He told me it was to be credited to the Honokaa Sugar Co. He did not tell me he was going to steal this money The books show the money was received on account of the Honokaa Sugar Co

Defendant said he had received money previous to October from the Honokaa Sugar Co, which he had credited to some other account. It was true that Boyd owed the $4500 covered by the Honokaa Sugar Co payment

Boyd's shortage when he was removed from office was about $1500, I th[illegible]. During the time I was in the office I knew Boyd took $700. Nobody [illegible] present at those private conversations

I received $925 from Mrs Mary E. Clark. Am very positive. I made a statement to Mr Peters in the office of the Attorney General in the month of May. I did answer a question at that time, saying "That was paid to Boyd." Did make the statement that I knew "because Mr Clark was with Mr. Boyd" I was at that time very excited I said I did see the money paid to Boyd

"Why were you excited at that time?"

"Because I was taken up for examination before the Attorney General and the Government."

Mr Prosser asked if he was more excited than at present and receiving an affirmative reply said the defendant was 'getting used to examinations"

"I do not think those statements I made to Peters were very correct," defendant said in answer to a question. It came into his mind afterward that Clark came in to him after being with Boyd and paid the money to himself.

This money was not counted out in presence of Mr Boyd I don't think I was telling the truth according to that (referring to a paper from which Mr Prosser was quoting his statements to Mr Peters)

There was a warm interchange of compliments between counsel at this stage, Mr. Thompson mentioning "brow-beating" as to the cross-examination and "star chamber" as to the Attorney General's office. Mr. Prosser was sustained in the use of the paper on his remark, "The witness is testifying."

Mahaulu, to further questioning, continued: I think I did say, "I think he gave a draft." When I said that, I did not know he did not give a draft. (This referred to Mr. Clark's payment of money for his wife.)

Q.—How did you get it into your head that you had seen the money paid to Boyd?

A.—There was money stacked up on Boyd's desk. People were going into Boyd's private office and coming out all the time and the bell was ringing for me almost continually.

Mr. Prosser now produced a number of receipts showing payments by the Honokaa Sugar Co. Mr. Thompson objected to examination of the defendant thereon as being new evidence, to which the Deputy Attorney General replied that the exhibits related to the evidence that other money was used to cover up a shortage in the Honokaa Sugar Co.'s account.

It having reached 4:05 o'clock and Mr. Prosser saying he would require three hours more, the court adjourned until 10 o'clock this morning.

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GEAR NOT IN CONTEMPT

(Continued from Page 2)

writ of prohibition, or of the supersedeas, the order to show cause is denied."

PARKER SUIT TESTIMONY.

To conclude the taking of the testimony of J. T. McCrosson in the Parker litigation before his departure for the mainland, Judge Gear continued the Mahaulu trial over yesterday forenoon. The examination of the witness began at 4 o'clock Monday evening, and continuing on Tuesday evening a late night session was not sufficient to bring it to a conclusion.

Samuel Parker was also served with a subpoena but was not called, though his name appears among the passengers departing in the steamer Siberia.

McCrosson, in answer to a question, denied that he had urged J. S. Low to bring the suit for the removal of Annie Parker's guardian.

KALAMA WINS OUT.

After a hearing of several days Judge De Bolt dismissed the petition of Rebecca Kanahele to revoke the letters of guardianship issued to E. R. Kalama for the persons and property of Kahooplopio and Mahoe, minor girls, and to appoint the petitioner as the guardian. C. W. Ashford represented the petitioner, and C. F. Peterson the respondent. It was satisfactorily made to appear to the court that Kalama was the natural guardian of the children.

LIQUOR CASE APPEAL.

Chong Him has appealed to the Circuit Court from the judgment of A. S. Mahaulu, District Magistrate of Waialua, fining him $100 and costs for selling a bottle of gin without a license to sell liquor. In the lower court a motion was made, which was denied, to discharge the defendant because the purchase money, 75 cents, was not produced in court and because the bottle produced was sealed and could not be proved to be gin "until open in court."

COURT NOTES.

Judge De Bolt's jury is due in court this morning at 10 o'clock. The following cases are in order for trial: Hawaii Railway Co. vs Inter-Island Telegraph Co., Lewis & Co. vs. C. Q. Yee Hop and Wm. Blaisdell vs. George Herbert et al.

Judge Robinson's jury is due in court this morning at 10 o'clock. All excuses not for the term are off.

Allen & Robinson's assumpsit suit against Lam Yip for $258.54, balance on a promissory note, has been discontinued.

A McDuffie and M P. Lugan each pleaded not guilty yesterday, the former to the taking of bribes as a police officer and the latter to embezzlement of money from the O. R & L. Co.

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A woman buys a sewing machine for what it will *do;* not as an article of furniture. A man carries a watch to tell him the time; not as an investment of surplus capital. The same principle when one is ill. We want the medicine or the treatment which will relieve and cure. The friend in need must be a friend indeed, something, or somebody, with a reputation. There should be no guesswork in treating disease. People have the right to *know* what a medicine is, and what it will do, before they take it. It must have behind it an open record of benefit to others for the same diseases, a series of cures that proves its merit and inspires confidence. It is because it has such a record that **WAMPOLE'S PREPARATION** is bought and used without hesitation or doubt. Its Good Name is the solid basis for the faith the people have in it; and a good name has to be earned by good deeds. It *does* what you have a right to expect it to do. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In Scrofula, Anemia, Nervous and General Debility, Influenza and Wasting Complaints, it is to be thoroughly relied upon. Doctor J. L. Carrick says: "I have had remarkable success with it in the treatment of Consumption, Chronic Bronchitis, Catarrh and Scrofulous Affections. It is of special value in nervous prostration and depraved nutrition; it stimulates the appetite and the digestion, promotes assimilation, and enters directly into the circulation with the food I consider it a marvelous success in medicine." Every dose effective. "You cannot be disappointed in it." Sold by chemists throughout the world.

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REAL ESTATE TRANSACTIONS.

Recorded Nov. 11, 1904.

Antonio J de Moura and wf to Manoel Carreiro; D; 2 pcs land, Kuau, Maui; $850. B 266, p 3. Dated Aug 27, 1904.

M A Tavares and wf et al to H Streubeck; M; 2 pcs land, Makawao, Maui; $3000. B 262, p 120. Dated Aug 1, 1904.

O Burns to Iwamura et al; L; 6 A land, Opana, Hamakualoa, Maui; 5 yrs @ $30 per yr. B 273, p 2. Dated Oct 25, 1904.

Jose M Tavares and wf to John E Tavares; D; 3 A land, Kokomo, Makawao, Maui; $375. B 266, p 5. Dated Nov 4, 1904.

First Am Savs & Tr Co of Hawaii Ltd to Gear, Lansing & Co; Par Rel; lots 6 and 8, blk 2, and lots 15 and 16, blk 31, Kaimuki Tract, Honolulu, Oahu; $200. B 260, p 278. Dated Nov 10, 1904.

J M Dowsett and wf to August Dreier; D; por lot 522, Gr 3065, bldgs, etc, Hackfeld [illegible] Oahu; $1. [illegible]

John Walker by Regr; Notice of decree of title in Land Reg Court case No 19. B 265, p 276. Dated Nov 10, 1904.

Honokaa Wine & Liquor Co to Honokaa Wine & Liquor Co Ltd; D; lands, leaseholds, bldgs, liquors, furniture, fixtures, cash, etc, Honokaa, Hamakua, Hawaii; $1 and 200 shares in stock. B 264, p 161. Dated Nov 3, 1904.

S Pukila (k) to S Ah Mo; L; R P 6774, Kul 6429, Wailuku, Kula, Maui; 15 yrs @ $35 per yr. B 263, p 133. Dated Jan 1, 1901.

William E Rowell to Edmund H Rogers; D; por Ap 2, R P 1125, and por Ap 1, R P 1635, Fort St, Honolulu, Oahu; $1650. B 264, p 162. Dated Sept 1, 1904.

William E Rowell to Kate L Rogers; D; pc land, Young St, Honolulu, Oahu; 12,058 sq ft land, cor Kuakini St and Makaihai lane, Honolulu, Oahu; $6000. B 264, p 163. Dated Sept 1, 1904.

C Bolte to Lyle A Dickey; AM; mtg C Lai Young on lot 2, blk B, of Kul 4034, bldgs, etc, Insane Asylum Road, Honolulu, Oahu; $1450. B 213, p 350. Dated Nov 11, 1904.

C Bolte to Lyle A Dickey; AM; add chge of C Lai Young on household furniture, buggy, horse, etc, Asylum Road, Honolulu, Oahu; Ap 2, R P 1906, Kul 1398, Kapalama, Honolulu, Oahu; ½ int in bus of Sun Tai Wai Co, Kaneohe, Koolaupoko, Oahu; ½ int in rice plantn of Lam Sam Chin, Kaneohe, etc, Koolaupoko, Oahu; $1450. B 260, p 19. Dated Nov 11, 1904.

Recorded Nov. 14, 1904.

Kaneikai (w) et al to Ah Cheong; L; pc land, Opaeula, Lahaina, Maui; 10 yrs @ $50 per yr. B 263, p 151. Dated July 25, 1904.

Hop Wo In Co to Chun See Mun; L; int in Gr 3363 and ¼ of Ap 4, Kul 6450, Kalihi, Honolulu, Oahu; 4 yrs and 8 mos @ $75 per ann. B 263, p 152. Dated Nov 10, 1904.

Antone S Medeiros and wf to Haiku Sugar Co et als; L; 18 ft R W for ditch, etc, across pc land, Kaupakulua, Hamakualoa, Maui; 45 yrs @ $28 per ann. B 263, p 154. Dated Feb 23, 1904.

Liliuokalani to D Paul R Isenberg; L; lot 2 of Kul 228 and por R P 7721, Waikiki, Honolulu, Oahu; 10 yrs @ $600 per ann. B 263, p 157. Dated Nov 1, 1904.

R M Maister to Frank E Thompson; PA; general powers. B 265, p 279. Dated Oct 5, 1903.

R M Maister by atty to William H Harbottle; Rel; por R P 3588, Kul 2937, part 2, secs 1 and 2, and lease of same, Kapalama, Honolulu, Oahu; $650. B 256, p 89. Dated Nov 12, 1904.

Wm L Peterson to Wm J White Tr; AM; mtg H K Hoolapa on 2-9 int in Grs 131 and 127 and rents, Waikele, Ewa, Oahu; $1. B 259, p 217. Dated Sept 20, 1904.

Wm H Harbottle and wf to Wm J White Tr; M; por R P 3588, Kul 2937, part 2, secs 1 and 2, and rents, Kapalama, Honolulu, Oahu; $900. B 267, p 12. Dated Nov 12, 1904.

Hee Hook Wai to M W Tschudi; CM; leasehold and personal property, Kalihi, Honolulu, Oahu; $200. B 267, p 15. Dated Mar 25, 1904.

Antonio L Barhoza to Aric Barhoza; BS; 9 cows, 1 bull and 8 calves; $100. B 274, p 3. Dated June 23, 1904.

Antonio L Barhoza to Julia Barhoza; BS; 1 brake, 2 horses, 10 pigs and chickens; $125. B 274, p 4. Dated Jan 20, 1904.

Keletia Kanoalono and hsb to M A Rego; M; 9 4-8 A land, Kailiili, etc, Koloa, Kauai; $300. B 267, p 16. Dated May 25, 1903.

A K Mika and wf to M A Rego; D; Kul 6667, Makapala, Koloa, Kauai; $871. B 264, p 170. Dated Nov 11, 1904.

Henry Blake and wf to M A Rego; M; ¼ int in por R P 1936, Koloa, Kauai; $485. B 267, p 17. Dated Nov 12, 1904.

Magaret Blake and hsb to M A Rego; M; ½ int in 2 68-100 A land, Koloa, Kauai; $475. B 267, p 19. Dated Nov 11, 1904.

Luika Kaaihue and hsb (J) to G Masuda; L; por R P 1836, Kul 336, Panaewa, Lahaina, Maui; 10 yrs @ $60 per ann. B 273, p 8. Dated Nov 1, 1904.

Koala (k) to Nakololiani (k); D; R Ps 5447 and 3360, Waioli, Hanalei, Kauai; int in pc land, Waioli, Hanalei, Kauai; $5, etc. B 264, p 166. Dated Oct 29, 1904.

Recorded Nov. 19, 1904.

Est of S G Wilder Ltd to Wilder's Steamship Co; L; por Land Patent 8150, Kul 153, Iwilei Road, Honolulu, Oahu; 20 yrs @ $1335.80 per yr. B 263, p 162. Dated Sept 30, 1904.

E de Harne and wf to Liebert H Boeynaems; D; int in por Gr 3747, Hualua, Kohala, Hawaii; $1. B 264, p 193. Dated Nov 11, 1904.

C Brewer & Company to L Chong; Rel; growing crops of cane on 220 A land, livestock, etc, Pahala, Kau, Hawaii; bldg, mdse, goods, furniture, fixtures, etc, Pahala, Kau, Hawaii; $10,000. B 199, p 17. Dated Nov 18, 1904.

I Fujiyama to Wm Kinney; CM; sugar cane growing on pcs land, Olaa, Puna, Hawaii; $8000. B 262, p 144. Dated Oct 26, 1904.

Rose Kanoe to George M Raupp; M; por Ap 1, R P 2094, Kul 725, bldgs, etc, Kamakela, Honolulu, Oahu; $500. B 262, p 145. Dated Nov 1, 1904.

Frank J Turk to Sara J Cunningham; BS; bay mare, buggy, lap-robe and harness; $200. B 265, p 287. Dated Nov 16, 1904.

Sara J Cunningham to Charles R Frazier; BS; bay mare, buggy, lap-. Dated Nov 17, 1904.

Evan da Silva to J Maka and wf; Rel; ½ A land, Ponahawai, Hilo, Hawaii; $850. B 256, p 150. Dated Nov 12, 1904.

J Maka and wf to Harriet F Coan; M; 2 pcs land, Ponahawai, Hilo, Hawaii; $480. B 260, p 295. Dated Nov 10, 1904.

Samuel Kailimai and wf to Sarah C Waters (Mrs); M; 15 A land, bldgs, etc, Kahua, Hilo, Hawaii; $200. B 260, p 298. Dated Nov 14, 1904.

Emma A McGuire and hsb to Harriet F Coan; M; por Kul 3485, Waiehu, Maui; $250. B 260, p 300. Dated Nov 17, 1904.

Jacintho M de Gouvea Sr and wf et al to H Hackfeld & Co Ltd; M; 2 pcs land, Hilo, Hawaii; [illegible] B [illegible], p

BAD STATE OF THE LOCAL RICE GROWING INDUSTRY

Editor Advertiser: In a conversation with Wong Leong, one of the most intelligent and observant of the rice planters of the Islands, in answer to a query why the rice planters were reduced to the financial extremity which at present hangs over the industry like a pall his answer was "because they could not sell their rice." I asked, "Do you mean because you can not sell at remunerative prices?" He said, "No, but because we cannot sell. I know the price of rice and every other commodity is fixed by the rule of supply and demand, but a reliable sugar factor showed me a letter from his San Francisco agent wherein the writer offered Louisiana or Texas rice at $2.80. This then plus the freight and cartage would bring it up to $3.10 in Honolulu which would for the present fix the price of Hawaiian rice. But as a matter of fact we cannot sell at that price. Of the 80,000 consumers of rice on the Islands, 20,000 are Chinese and 60,000 Japanese, approximately.

"The latter do not use Hawaiian rice, preferring to pay $2.00 per hundred more for the product of their own country. It is said that patriotism causes this discrimination as an analysis of the two rice shows that the Hawaiian is the better of the two."

One would think that a sense of propriety, not to say obligation, would induce them to use a product of the land where they have so improved their condition. Again rice being a sister industry to sugar one would think that the sugar planters would induce their laborers to use the product of the land, prices being equal. What would we think of a state of affairs in the United States, where the alien population bears so large a proportion to the native, if the aliens should refuse to eat the corn and wheat of the land and prefer the rye and wheat of Europe for patriotism?

Mr. Wong Leong, by a closely estimated table of statistics, shows the expenditures of the rice planters on the Islands as well as the volume of the crop from which it is apparent that without some remedy this industry must succumb. They pay enormous rents for land, from $20 to $55 per acre per annum, most of which goes to native owners, the owners being 70 per cent native; 20 per cent foreign; and 10 per cent Chinese.

Rents, 8,000 acres averaging $25 per acre ....$	20,000
Labor, 3,000 men found, $250 per capita............	750,000
Bags for rice, 270,000 at 10 cts.	27,000
Bags for paddy, 150,000 at 9 cts.	13,500
Rope and twine	7,000
Agricultural tools, as plows, harrows, guns, powder, hardware	50,000
Lumber for dwellings, fences, etc.	25,000
Feed for animals, hay, oats, bran, barley, etc..........	20,000
Horses, mules, cattle	10,000
Harness, belting, mill supplies	10,000
Freight, 100,000 tons	15,000
Cartage	5,000
Insurance	20,000
Taxes	60,000
Interest on borrowed capital	45,000
Expenses, as lawyers fees, stamps, records, etc.	10,000
	$ 1,087,500
If the crop, 270,000 sacks was sold at 3 cents.....	810,000
Would show a loss of ....$	277,500
But it is quoted today at $2.50 and if sold at that the loss would be ....$	412,500

Naturally, if these figures are correct it would be wise for the rice planters to immediately abandon the industry. A good financier cuts short his losses and retires from a business the future of which is hopeless. However, when men have invested their whole capital in a business they feel compelled to hang on in hopes of brighter days. The annexation of the Islands to the United States crippled the rice industry in two ways. It removed the protective tariff afforded by the Hawaiian law, and prevented the rice planters from being able to renew their labor. Prices of labor went up as well as rents but the price of rice went down, thus compelling the planter to burn the candle at both ends.

The remedy suggested by Wong Leong is two-fold: the admission of Chinese labor and a systematic endeavor by all to use the Hawaiian rice, prices being equal. If this industry is abandoned the sufferers will not be only the Chinese rice planters but the landlords, the government in deprivation of taxes, and those who have advanced capital to foster the industry. Mr. Wong Leong assures me that the present status of the rice industry cannot much longer continue, and if the home product is not patronized the absolute abandonment of this once profitable industry will be a thing of the past.

JAS. W. GIRVIN.

VIERRA IS CHARGED WITH EMBEZZLEMENT

Henry Vierra was summarily dismissed from the Public Works Department yesterday and Attorney-General Andrews swore out a warrant in the afternoon charging him with embezzlement. Vierra was arrested and allowed to go upon a bond for $500 being filed. Wm. P. Fennell will take his place in the Public Works Department.

Vierra has been collecting the rents for the public laundries at Iwilei and has been charging the Chinese laundrymen more than they were supposed to pay, putting the difference in his pocket. The laundrymen were told to pay their rent to Chief Clerk White personally this month, and when they offered to pay more than was necessary, the matter was looked into. Old receipts were called for and it was found that Vierra had been overcharging each man fifty cents. The amount of money involved is not known as some of the men have changed and others have destroyed their old receipts. The returns for some rooms at the laundries which are rented out for sleeping purposes are also in bad shape.

Henry Vierra is an old employee in the department and is well known about town. He was rather prominent in base-

FIRST REFINED SUGAR EXPORTED

By the steamer yesterday there was shipped to San Francisco the first refined sugar ever manufactured in the Hawaiian Islands. It is the product of the refining plant that has been almost completely installed in the sugar mill of the Honolulu Plantation Company within sight of this city.

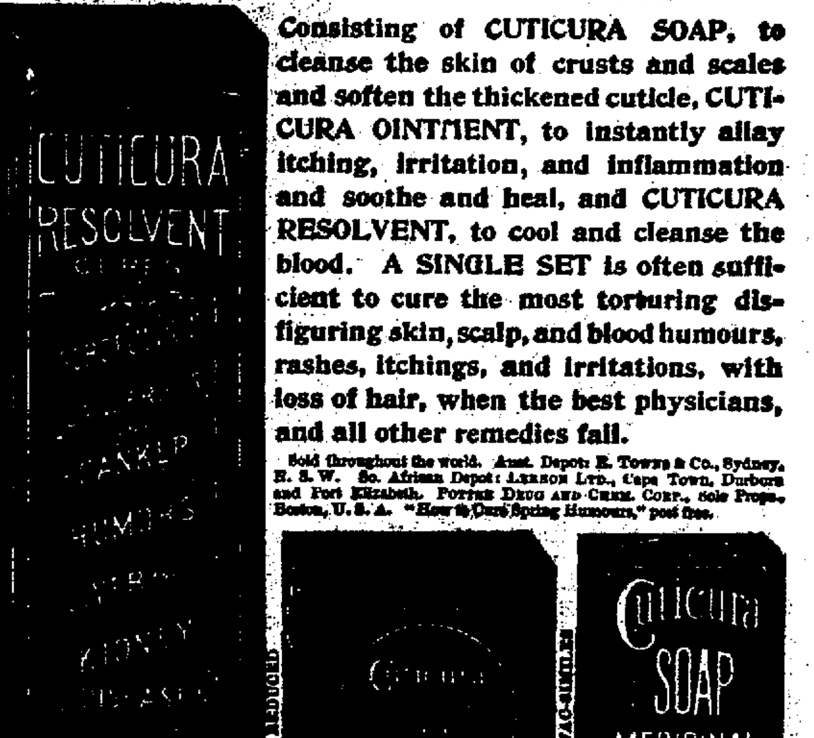
Ten bags of samples of different grades constituted the shipment. The grades were Standard Granulated, Confectioners' Granulated, Fruit Granulated and Powdered. As soon as certain additional machinery arrives and is installed the Honolulu refinery will make also Cube sugar. So far as the plant is complete, the apparatus has worked to perfection from the first trial run.

Manager J. A. Low showed an Advertiser reporter a sample of the sugar. It has the appearance of being the finest quality. Mr. Low is not the least afraid that the sugar will fail to maintain its good qualities in carriage by sea. The samples sent forward had been stacked in the mill without extra precautions for some time since refining but showed no sign of being affected by temperature, humidity or any other condition.

One quality of this home-manufactured sugar, which J[illegible] Morgan has remarked, is its hi[illegible] of solubility than the [illegible] article. A teaspoonful drop[illegible] of water will [illegible] dis[illegible] reaching the bott[illegible] M[illegible] superior sweete[illegible] sugar over other su[illegible] it is made absolute[illegible] pure, [illegible]

SPRING HUMOURS

Complete External and Internal Treatment



Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA OINTMENT, to instantly allay itching, irritation, and inflammation and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the most torturing disfiguring skin, scalp, and blood humours, rashes, itchings, and irritations, with loss of hair, when the best physicians, and all other remedies fail.

Sold throughout the world. Aust. Depot: R. Towns & Co., Sydney, N. S. W. So. African Depot: Lennon Ltd., Cape Town, Durban and Port Elizabeth. Potter Drug and Chem. Corp., Sole Props., Boston, U. S. A. "How to Cure Spring Humours," post free.

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AT M'BRYDE PLANTATION

Senator D. P. R. Isenberg Entertains There.

The Garden Island says: Last Wednesday morning at ten o'clock a large party of pleasure seekers from Lihue and Koloa, gathered at Kukuiula, McBryde Plantation, at the bidding of Senator Paul Isenberg, president of McBryde Plantation Company, to spend the day in sight seeing on McBryde Plantation. Senator Isenberg, Manager Stodart of McBryde's, and Head Luna Weinsheimer of Lawai, were there to receive the guests and conduct them to the train of cars which had been fitted up specially for the excursion. It was explained that the train was subdivided into palace cars and smoker and after the members of the party had comfortably settled themselves in their choice, the train slowly moved from Aipo Gulch toward Koloa up through the Smith estate lands, which were covered with large, heavy, long rattoon cane.

The railroad runs here for about a mile through as fine cane as grows on the island, entirely unharmed from leaf hopper or borer. This land is old cane land, comprising about 350 acres but it certainly has lost none of its vigor.

From the heights of the Smith lands a most beautiful view of Koloa and the ocean was presented. The four old craters of Mahaulepu loomed up in the distance and to the right jets of spray shot into the air from the Spouting Horn.

After passing over the Smith lands the trains returned by the same route to Aipo Gulch and moved westward over the East Lawai lands for about a mile and from there on to the East Lawai lands mauka covering a stretch of a mile and a half, all covered with a fine growth of long rattoon, a good deal of which will be taken off for the 1905 crop. This Lawai land is all new land with a rich, deep soil and grows most excellent cane. Passing over the Lawai Gulch on a very high and strongly-built bridge, we skirted Lawai Gulch for a time over a road bed in many places blasted out of solid lava rock and as we entered upon the West Lawai lands the train passed through two tunnels cut through the corner of the cliff, one 300 feet long and the other 500 feet long. This railroad from West Lawai to the Smith lands is the most expensive road on the plantation the stretch of three miles, including the bridges, costing about $40,000.

In Lawai Gulch is situated one of the three large pumping stations of the plantation, the other two being in Hanapepe Valley. These pumps supply the plantation with twenty million gallons of water daily, when that amount is required for irrigating purposes. Besides this water, which is used in quantities required, the regular irrigating ditches from the mountains, being eight million gallons of water to the plantation daily, and the plantation gets from the Makaweli Plantation through the Hanapepe Ditch, surplus water from that plantation amounting from three to ten million gallons a day. This water is not especially needed except in the months of June, July, August and September, when all the surplus water Makaweli Plantation can spare is used on McBryde's.

Besides these sources of water supply, McBryde's has a reservoir capacity of eight hundred million gallons which is collected in the rainy season and used in the dry season.

The West Lawai lands, all new, are about three miles wide, and contain the strip of government land, about three quarters of a mile wide, running from the sea to the mountains, called Kalaheo, on which the lease will expire in a couple of years. This Kalaheo land at the present time is covered with a fine growth of cane, plentifully watered, but the land has no water right, and after reversion to the government, unless water can be secured for it in some way, will become worthless.

Crossing the Kawaihaka Gulch from West Lawai we passed on to the Wáhiawa lands and took a spin of a mile, through fields of heavy long ratoon, to the new McBryde mill.

This is one of the largest and most finely equipped mills on the Hawaiian Islands. It is a nine roller Cuban mill and was designed by O. B. Stillman, the famous sugar mill man, and cost erected and complete in every detail, $400,000.

It takes ninety-six men all told, night and day shifts, to operate the mill, and it has a capacity from 100 to 125 tons a day. Manager Stodart piloted the company through the mill explaining the various mechanisms and devices. The machinery is being put in readiness for use, as McBryde will begin grinding on December 6th.

From the mill the expedition proceeded westward over the Wahiawa Gulch on to the Eleele lands, which extend for a mile and a half down to the Eleele Landing. These Eleele lands are old lands and comprise the sugar lands August Dreier formerly cultivated as the old Eleele Plantation.

At Eleele Landing the excursion came to an end and the entire company was whirled back over the route before travelled to the McBryde Beach House at Lawai, where Mr. Walter McBryde had prepared a sumptuous luau for the hungry pleasure party. On the way back to Lawai from Eleele Mr. Stodart entertained the party answering general questions about the plantation. The excursion party had passed over a stretch of McBryde Plantation lands about 12 miles wide, which is the width of the plantation, while it extends back to an average depth of two miles to the mountains, and contains an aggregate area, including pasture and forest lands, of 12,000 acres, of which 5,077 acres are at present planted to growing cane.

It takes an immense amount of labor to prepare this land for cultivation. McBryde's has four sets of Fowler steam plows and tackle, which are kept busy plowing its cane land.

Although at various seasons of the year different work is going on, still on a plantation there is steady employment for its labor and McBryde's keeps fourteen hundred men busy. There are fifteen miles of permanent railroad on the plantation and they have nine and a half miles of portable track which they use in cane cutting season. It takes three Baldwin locomotives and four hundred fifty cars to do the transportation work on this gigantic estate.

The 1905 crop, which Mr. Stodart will begin taking off within a week or so, comprises 2500 acres of cane, 800 acres of which is plant, 460 acres is short rattoon and 1350 acres is long rattoon. Mr. Stodart places the 1905 crop at 13,000 tons of sugar, and he believes this is a conservative estimate.

The 1906 crop covers 2700 acres and comprises 750 acres of plant cane, 1669 acres of long rattoon and 332 acres of short rattoon.

The lands of the McBryde Plantation are nearly all new lands and therefore rich and strong and much more productive than old lands and cheaper to cultivate because they do not require fertilizer, which is a big item of expense to older plantations.

The old lands on McBryde are the Eleele lands containing about eight hundred acres and the Smith lands containing about three hundred fifty acres, while the plantation has about one thousand acres of good cane land yet to be cleared for cultivation.

The magnificence of McBryde's can only be appreciated after a thorough inspection such as that given us by Mr. Isenberg and Mr. Stodart last Wednesday. The great stretches of tasseled cane, thousands of acres of it, waving from the sea to the mountains, miles wide, impressed one with the great work the plantation is carrying on. The closer view of the cane from the cars, as it stands on both sides, thick, heavy, long-jointed and tall, almost entirely free from leaf hopper, and damaged to a surprisingly small extent by borer, six, eight and ten ton acre cane, seems to indicate that this is one of the finest and safest sugar properties on the island. Certain it is that every one on that tour of inspection felt enthusiastic over the ever-present indications of careful, level-headed, management which has produced such fine results—cane, good, healthy cane, everywhere.

At the McBryde Beach House, the company sat down at two o'clock on the lawn under the shade of the cocoanut trees to a delicious luau to which full justice was done by all present. The drive to Kukuiula in the morning, the train ride over the plantation, and the keen, invigorating air out-doors had whetted appetites to a keen edge. Mr. Isenberg welcomed the guests in the name of the McBryde Plantation Company, and said it was a great pleasure for Manager Stodart and himself to be able to show them what the plantation had accomplished. During the feast toasts were made to the ladies, to Senator Isenberg and to Manager Stodart and a native stringed band from Koloa also assisted in the entertainment. After the luncheon was over a social half-hour was spent in conversation, when the company once more boarded the train and were taken to Kukuiula, whence they departed for home about four o'clock, after one of the most delightful of excursions, made most interesting and pleasant by the thoughtfulness and geniality of Mr. Isenberg, Mr. and Mrs. Stodart and Mr. Walter McBryde.

Those comprising the party were Senator and Mrs. S. W. Wilcox, Mr. and Mrs. Hans Isenberg, Mr. and Mrs. R. W. T. Purvis and Silvine Purvis, Mr. and Mrs. John A. Palmer, Mr. and Mrs. Charles A. Rice, Mr. and Mrs. W. H. Rice, Jr., Mr. and Mrs. Sheriff Coney, Mr. and Mr. R. W. Wilcox, Mrs. C. H. Bishop, Mr. and Mrs. Stodart, Mrs. Christ, Mrs. A. S. Wilcox, the Misses Elsie and Mabel Wilcox, Quinn, Rice, and Messrs. W. H. Rice, Sr., Dempster, J. C. Davis, W. Fisher, J. K. Farley, Willard, Cropp, Senator Gandal, Senator Isenberg, Walter McBryde and Head Luna Weinzheimer.

◆

The County Act Commission will resume its weekly sessions on the first Tuesday of January. The Act will be presented for consideration.

Nomination of officers at a meeting tonight of Powhatan Tribe, Order of Red Men, which all members of the Order are requested to attend.

A Life Saved

Never give up. No matter how ill you are. Ayer's Sarsaparilla has cured some terrible cases, and it will cure you.

Mr. Thos. H. Cashel, Barrel Creek, Dripstone, New South Wales, writes:

"I feel it my duty to let suffering people know what a wonderful blood-purifying medicine is Ayer's Sarsaparilla. My illness began with sharp pains in the limbs, while I was handling wet wool. After a day or two I could not walk, and suffered terrible pains. My face turned nearly black, large red blotches came out all over my body, and then I became delirious. I was in two hospitals for some time, and everything was tried, but I grew weaker and weaker, and became convinced that nothing could be done for me. I had heard so much about Ayer's Sarsaparilla that I thought I would give it a trial as the last hope. After taking one bottle I thought I felt a little better. So I procured another bottle, and then another, and still another. I gradually improved, and in due time left my bed for the first time in six months. I am now in good health, and I say to every one that Ayer's Sarsaparilla saved my life."

AYER'S Sarsaparilla

There are many imitation Sarsaparillas. Be sure you get "Ayer's."

Prepared by Dr. J. C. Ayer Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO., Agents.

JOHN F. BASS TELLS OF EXPERIENCES IN THE FIELD

"As to Port Arthur's falling I believe that such an event would not by any means bring the Japanese-Russo war to an end. This crisis of the war from the Japanese standpoint will be when the Baltic fleet arrives in the Inland Sea, if it ever does, for then a decisive battle will be fought which will determine whether or not Japan can still hold the mastery of the seas."

John F. Bass, the war correspondent of the Chicago Daily News syndicate, who is just returning from the scene of the bloody operations on the Liaotong peninsula, sums up the situation in the Far East as above. He also believes that on land the Russians and Japanese have fought each other to a standstill. However, he still thinks the Japanese able to drive the Russians back, not because the former is an inferior force, but because it is not a mobile force.

Mr. Bass places more importance on what the Baltic fleet may or may not be able to accomplish, than on what future land operations may develop. The Baltic fleet, on paper, gives the Russians many more and newer battleship than the Japanese. Should the Japanese fleet be defeated, the Russians could stop Japan's transport fleet, which is conveying troops and supplies to Manchuria, which in time would cause the Japanese armies to be cut off entirely from provisions and ammunition. Port Arthur could then be revictualled, its forces and fortifications strengthened and Russia would once more be in a position to continue the war.

Mr. Bass brings out one point very strongly which is disadvantageous to the Japanese. He doubts that the Japanese admiral has been able to replace the big guns on his vessels with new ones. The life of a gun is practically at an end after being fired a limited number of times. In this event Togo would have to match his old guns against the newer, but untried guns of the Russian admiral.

"If the Baltic fleet arrives in the Inland Sea," said Mr. Bass last night aboard the steamship Siberia, "the Japanese will be compelled to meet it. That will give the Russian vessels now lying in Port Arthur an opportunity to repair and make an effort to get out of the harbor. The Japanese may thereby be harassed from all sides. Japan says she has lost one battleship. I believe she has lost two, thereby weakening her sea force measurably.

"It is my belief, however, that the Russian fleet will not show up well, but if by any chance the Russian fleet is an effective force there will be a severe battle, and in case the Japanese fleet is disabled Port Arthur can again be revictualled and remanned, all that she needs to make her once again an impregnable fortress.

"The fall of Port Arthur and the defeat of the Baltic fleet will not necessarily end the war. The Russians will fight on and contest every inch of ground. The time may come when the powers will intervene. Both these nations are fighting on territory not their own. The powers have certain treaty rights there and some day they may step in and say, 'You have had time enough to settle your difficulties, now get out.'

"I do not think the experts believe the war will revolutionize military matters. The Japanese have brought military arts to a perfection of which they may be proud. They have not been altogether creative, but they have followed to the letter the text books on tactics. Their officers have studied the science of war in every detail, and they have been able to make their knowledge practicable in the field.

"The Japanese army is a splendid organization. I think the Japanese army is as well organized as any in the world. I don't mean to say that the Japanese infantryman is the best in the world. I don't consider him, individually, superior to our American infantryman. But as a body of men trained together they are about perfect.

"For instance, they take advantage of the ground they are fighting over. They have no set or fixed way of deploying over any piece of ground. The soldier or body of soldiers adapts the ground to his needs. They advance at the outset in a strong line. Then when the firing becomes heavy, the men stop and groups run forward and drop; smaller groups of these again advance until one man is moving ahead. Then he is joined by another and these two form a new nucleus which begins firing on the enemy. The Russians on the other hand make an attack, and if it does not succeed they fall back.

"You cannot give too great praise in the management of the Japanese artillery. They had 1,000 yards less range than the Russians at Liaoyang, but under cover of night they worked smaller pieces into position and opened up a terrific fire on the Russians, nonplussing them.

"Then the management of the whole army. Our division, Kuroki's, had about 20,000 men. You would hardly know you were in the midst of an army. The force was scattered about in little villages, a half company here and half there, making little noise and seeming peaceable in their pursuits. But when you know the army is to move you can watch from a road and see it assembling at night, silently, hardly a whisper and little noise outside the creaking of the artillery wheels.

"I consider the Japanese weak point is their strategy. In other words it does not seem to me they have the men to conceive great ideas. It is the perfect details of the organization of the army and the execution of plans which shows them in a fine light. It is the contrary with the Russians. The army is disorganized and the line officers are very inferior and they don't know their business. They have the old tradition that an officer must be a devil of a fellow, a gambler and drinker.

"The Russians don't know how to operate in the face of an enemy. At the Yalu the Russians gave their worst exhibition of field tactics, but at Liaoyang we noticed they had been improving gradually, and it showed they had been whipped into line by a masterful hand. When Kuropatkin was able to retire from Liaoyang without serious losses it showed he had accomplished a really wonderful feat.

"Kuropatkin has whipped his army into line to fight well on the defensive, but they will not be able to fight on the offensive, and it will be a long time before they can do so.

"Consequently, it seems to me improbable that the Russians can drive the Japanese out of the territory they have already gained."

Mr. Bass has a forlorn story to tell of his experience in endeavoring to get to the front with the Japanese armies. The officers lied to the correspondents as to when they would get away, and when they were at the front the writers were kept from opportunities to view fighting at close range. They were spied upon, their messages terribly cut up by the censor and in many cases, too numerous to mention, the dispatches never got to their papers at all.

At one time when provisions were giving out and they had been subjected to numerous indignities, the correspondents sent a delegation to headquarters to request the privilege of going to Newchwang to replenish their stores. They were refused. They were told to keep away from headquarters. Finally correspondent McCue said to Fuji, the chief of staff: "It seems as though you don't want us here." Fuji replied: "No, we don't want you here." McCue and Knight then asked for their papers. Melton Pryor asked Oyama to let the correspondents go within two miles of a battle. Oyama said four miles was near enough. In the meantime the rescript of the Emperor had been issued which instructed the generals and officers to treat the correspondents with consideration and to give them opportunities for watching events at close sight. Before this rescript arrived the correspondents were told that the Japanese did not want their dispatches to go out to the world. They had ways of circulating their own news.

Then suddenly came a change. A staff officer asked if they would like a special train in which to go to Newchwang to get provisions. Then another officer on behalf of the staff invited the correspondents to dinner, which they declined. Then each correspondent was taken aside by an officer who explained with extreme courtesy a fine little point. Perhaps, he said, that the correspondents had remittances, or perhaps they did not, the same not having arrived, and perhaps the government could advance them whatever they might need on their checks, etc. The correspondents were completely taken off their feet. The Japanese even took their messages, carried them to Newchwang without charge and in the case of an Associated Press man who had no credit at that station, the Japanese sent his entire message at their expense.

There is one thing which Mr. Bass states quite strongly, and that is that the Japanese have continually minimized their losses.

A STORY OF GRAFTING

(Continued from page 2.)

tion and the court favored the objection, asking the Deputy Attorney General why he did not ask him what was his intent.

"I will ask any questions your Honor suggests," Mr. Prosser said. Then, to the defendant:

"What were your intentions in making this receipt out?"

Mahaulu—It was not my intent. It was through the instructions of my superior. He told me it was to be credited to the Honokaa Sugar Co. He did not tell me he was going to steal this money. The books show the money was received on account of the Honokaa Sugar Co.

Defendant said he had received money previous to October from the Honokaa Sugar Co., which he had credited to some other account. It was true that Boyd owed the $4500 covered by the Honokaa Sugar Co. payment.

Boyd's shortage when he was removed from office was about $10,000, I think. During the time I was in the agency I knew Boyd took $7000. Nobody of what present at those private conversations.

I received $925 from Mrs. Mary E. Clark. Am very positive. I made a statement to Mr. Peters in the office of the Attorney General in the month of May. I did answer a question at that time, saying "That was paid to Boyd." Did make the statement that I knew "because Mr. Clark was with Mr. Boyd." I was at that time very excited. I said I did see the money paid to Boyd.

"Why were you excited at that time?"

"Because I was taken up for examination before the Attorney General and the Government."

Mr. Prosser asked if he was more excited than at present and receiving an affirmative reply said the defendant was "getting used to examinations."

"I do not think those statements I made to Peters were very correct," defendant said in answer to a question. It came into his mind afterward that Clark came in to him after being with Boyd and paid the money to himself.

This money was not counted out in presence of Mr. Boyd. I don't think I was telling the truth, according to that (referring to a paper from which Mr. Prosser was quoting his statements to Mr. Peters.)

There was a warm interchange of compliments between counsel at this stage, Mr. Thompson mentioning "brow-beating" as to the cross-examination and "star chamber" as to the Attorney General's office. Mr. Prosser was sustained in the use of the paper on his remark, "The witness is testifying."

Mahaulu, to further questioning, continued: I think I did say, "I think he gave a draft." When I said that, I did not know he did not give a draft. (This referred to Mr. Clark's payment of money for his wife.)

Q.—How did you get it into your head that you had seen the money paid to Boyd?

A.—There was money stacked up on Boyd's desk. People were going into Boyd's private office and coming out all the time and the bell was ringing for me almost continually.

Mr. Prosser now produced a number of receipts showing payments by the Honokaa Sugar Co. Mr. Thompson objected to examination of the defendant thereon as being new evidence, to which the Deputy Attorney General replied that the exhibits related to the evidence that other money was used to cover up a shortage in the Honokaa Sugar Co.'s account.

It having reached 4:05 o'clock and Mr. Prosser saying he would require three hours more, the court adjourned until 10 o'clock this morning.

◆

GEAR NOT IN CONTEMPT

(Continued from Page 2)

writ of prohibition, or of the supersedeas, the order to show cause is denied."

PARKER SUIT TESTIMONY.

To conclude the taking of the testimony of J. T. McCrosson in the Parker litigation before his departure for the mainland, Judge Gear continued the Mahaulu trial over yesterday forenoon. The examination of the witness began at 4 o'clock Monday evening, and continuing on Tuesday evening a late night session was not sufficient to bring it to a conclusion.

Samuel Parker was also served with a subpoena but was not called, though his name appears among the passengers departing in the steamer Siberia.

McCrosson, in answer to a question, denied that he had urged J. S. Low to bring the suit for the removal of Annie Parker's guardian.

KALAMA WINS OUT.

After a hearing of several days Judge De Bolt dismissed the petition of Rebecca Kanahele to revoke the letters of guardianship issued to E. R. Kalama for the persons and property of Kahoopiopio and Mahoe, minor girls, and to appoint the petitioner as the guardian. C. W. Ashford represented the petitioner, and C. F. Peterson the respondent. It was satisfactorily made to appear to the court that Kalama was the natural guardian of the children.

LIQUOR CASE APPEAL.

Chong Him has appealed to the Circuit Court from the judgment of A. S. Mahaulu, District Magistrate of Waialua, fining him $100 and costs for selling a bottle of gin without a license to sell liquor. In the lower court a motion was made, which was denied, to discharge the defendant because the purchase money, 75 cents, was not produced in court and because the bottle produced was sealed and could not be proved to be gin "until open in court."

COURT NOTES.

Judge De Bolt's jury is due in court this morning at 10 o'clock. The following cases are in order for trial: Hawaii Railway Co. vs. Inter-Island Telegraph Co., Lewis & Co. vs. C. Q. Yee Hop and Wm. Blaisdell vs. George Herbert et al.

Judge Robinson's jury is due in court this morning at 10 o'clock. All excuses not for the term are off.

Allen & Robinson's assumpsit suit against Lam Yip for $255.54, balance on a promissory note, has been discontinued.

A. McDuffie and M. P. Lugan each pleaded not guilty yesterday, the former to the taking of bribes as a police officer and the latter to embezzlement of money from the O. R. & L. Co.

◆

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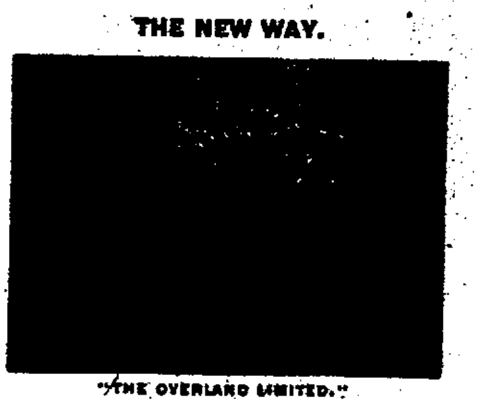

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REAL ESTATE TRANSACTIONS.

Recorded Nov. 11, 1904.

Antonio J de Moura and wf to Manoel Carreiro; D; 2 pcs land, Kuau, Maui; $850. B 266, p 3. Dated Aug 27, 1904.

M A Tavares and wf et al to H Streubeck; M; 2 pcs land, Makawao, Maui; $2000. B 262, p 120. Dated Aug 1, 1904.

O Burns to Iwamura et al; L; 6 A land, Opana, Hamakualoa, Maui; 5 yrs @ $30 per yr. B 273, p 2. Dated Oct 25, 1904.

Jose M Tavares and wf to John E Tavares; D; 3 A land, Kokomo, Makawao, Maui; $375. B 266, p 5. Dated Nov 4, 1904.

First Am Savs & Tr Co of Hawaii Ltd to Gear, Lansing & Co; Par Rel; lots 5 and 8, blk 2, and lots 15 and 16, blk 51, Kaimuki Tract, Honolulu, Oahu; $[illegible]. B 270, p 279. Dated Nov 10, 1904.

J M Dowsett and wf to August Dreier; D; por lot 522, Gr 3005, bldgs, etc, Hackfeld [illegible] Oahu; $1. [illegible]

John Walker by Regr; Notice, of decree of title in Land Reg Court case No 19. B 265, p 276. Dated Nov 10, 1904.

Honokaa Wine & Liquor Co to Honokaa Wine & Liquor Co Ltd; D; lands, leaseholds, bldgs, liquors, furniture, fixtures, cash, etc, Honokaa, Hamakua, Hawaii; $1 and 200 shares in stock. B 264, p 161. Dated Nov 3, 1904.

S Pukila (k) to S Ah Mo; L; R P 6774, Kul 6429, Wailuku, Kula, Maui; 15 yrs @ $35 per yr. B 263, p 133. Dated Jan 1, 1901.

William E Rowell to Edmund H Rogers; D; por Ap 2, R P 1125, and por Ap 1, R P 1635, Fort St, Honolulu, Oahu; $1650. B 264, p 162. Dated Sept 1, 1904.

William E Rowell to Kate L Rogers; D; pc land, Young St, Honolulu, Oahu; 12,058 sq ft land, cor Kuakini St and Makaihai lane, Honolulu, Oahu; $6000. B 264, p 163. Dated Sept 1, 1904.

C Bolte to Lyle A Dickey; AM; mtg C Lai Young on lot 2, blk B, of Kul 4034, bldgs, etc, Insane Asylum Road, Honolulu, Oahu; $1450. B 213, p 350. Dated Nov 11, 1904.

C Bolte to Lyle A Dickey; AM; add chge of C Lai Young on household furniture, buggy, horse, etc, Asylum Road, Honolulu, Oahu; Ap 2, R P 1906, Kul 1398, Kapalama, Honolulu, Oahu; ½ int in bus of Sun Tai Wai Co, Kaneohe, Koolaupoko, Oahu; ½ int in rice plantn of Lam Sam Chin, Kaneohe, etc, Koolaupoko, Oahu; $1450. B 260, p 19. Dated Nov 11, 1904.

Recorded Nov. 14, 1904.

Kaneikai (w) et al to Ah Cheong; L; pc land, Opaeula, Lahaina, Maui; 10 yrs @ $50 per yr. B 263, p 151. Dated July 25, 1904.

Hop Wo In Co to Chun See Mun; L; int in Gr 3363 and ¼ of Ap 4, Kul 6450, Kalihi, Honolulu, Oahu; 4 yrs and 8 mos @ $75 per ann. B 263, p 152. Dated Nov 10, 1904.

Antone S Medeiros and wf to Haiku Sugar Co et als; L; 18 ft R W for ditch, etc, across pc land, Kaupakulua, Hamakualoa, Maui; 45 yrs @ $28 per ann. B 263, p 154. Dated Feb 23, 1904.

Liliuokalani to D Paul R Isenberg; L; lot 2 of Kul 228 and por R P 7721, Waikiki, Honolulu, Oahu; 10 yrs @ $600 per ann. B 263, p 157. Dated Nov 1, 1904.

R M Maister to Frank E Thompson; PA; general powers. B 265, p 279. Dated Oct 5, 1903.

R M Maister by atty to William H Harbottle; Rel; por R P 3588, Kul 2937, part 2, secs 1 and 2, and lease of same, Kapalama, Honolulu, Oahu; $650. B 256, p 89. Dated Nov 12, 1904.

Wm L Peterson to Wm J White Tr; AM; mtg H K Hoolapa on 2-9 int in Grs 131 and 127 and rents, Waikele, Ewa, Oahu; $1. B 259, p 217. Dated Sept 20, 1904.

Wm H Harbottle and wf to Wm J White Tr; M; por R P 3588, Kul 2937, part 2, secs 1 and 2, and rents, Kapalama, Honolulu, Oahu; $900. B 267, p 12. Dated Nov 12, 1904.

Hee Hook Wai to M W Tschudi; CM; leasehold and personal property, Kalihi, Honolulu, Oahu; $200. B 267, p 15. Dated Mar 25, 1904.

Antonio L Barhoza to Aric Barhoza; BS; 9 cows, 1 bull and 8 calves; $100. B 274, p 3. Dated June 23, 1904.

Antonio L Barhoza to Julia Barhoza; BS; 1 brake, 2 horses, 10 pigs and chickens; $125. B 274, p 4. Dated Jan 20, 1904.

Keletia Kanoalono and hsb to M A Rego; M; 9 4-8 A land, Kalihili, etc, Koloa, Kauai; $300. B 267, p 16. Dated May 25, 1903.

A K Mika and wf to M A Rego; D; Kul 6667, Makapala, Koloa, Kauai; $871. B 264, p 170. Dated Nov 11, 1904.

Henry Blake and wf to M A Rego; M; ¼ int in por R P 1936, Koloa, Kauai; $485. B 267, p 17. Dated Nov 12, 1904.

Magaret Blake and hsb to M A Rego; M; ½ int in 2 68-100 A land, Koloa, Kauai; $475. B 267, p 19. Dated Nov 11, 1904.

Luika Kaalhue and hsb (J) to G Masuda; L; por R P 1836, Kul 336, Panaewa, Lahaina, Maui; 10 yrs @ $60 per ann. B 273, p 8. Dated Nov 1, 1904.

Koala (k) to Nakololiani (k); D; R Ps 5447 and 3360, Waioli, Hanalei, Kauai; int in pc land, Waioli, Hanalei, Kauai; $5, etc. B 264, p 166. Dated Oct 29, 1904.

Recorded Nov. 19, 1904.

Est of S G Wilder Ltd to Wilder's Steamship Co; L; por Land Patent 8150, Kul 153, Iwilei Road, Honolulu, Oahu; 20 yrs @ $1335.80 per yr. B 263, p 162. Dated Sept 30, 1904.

E de Harne and wf to Liebert H Boeynaems; D; int in por Gr 3747, Hualua, Kohala, Hawaii; $1. B 264, p 193. Dated Nov 11, 1904.

C Brewer & Company to L Chong; Rel; growing crops of cane on 220 A land, livestock, etc, Pahala, Kau, Hawaii; bldg, mdse, goods, furniture, fixtures, etc, Pahala, Kau, Hawaii; $10,000. B 199, p 17. Dated Nov 18, 1904.

I Fujiyama to Wm Kinney; CM; sugar cane growing on pcs land, Olaa, Puna, Hawaii; $8000. B 262, p 144. Dated Oct 26, 1904.

Rose Kanoe to George M Raupp; M; por Ap 1, R P 2094, Kul 725, bldgs, etc, Kamakela, Honolulu, Oahu; $500. B 262, p 145. Dated Nov 1, 1904.

Frank J Turk to Sara J Cunningham; BS; bay mare, buggy, lap-robe and harness; $200. B 265, p 287. Dated Nov 16, 1904.

Sara J Cunningham to Charles R Frazier; BS; bay mare, buggy, lap- Dated Nov 17, 1904.

Evan da Silva to J Maka and wf; Rel; ½ A land, Ponahawai, Hilo, Hawaii; $350. B 256, p 150. Dated Nov 12, 1904.

J Maka and wf to Harriet F Coan; M; 2 pcs land, Ponahawai, Hilo, Hawaii; $430. B 260, p 295. Dated Nov 10, 1904.

Samuel Kailimai and wf to Sarah C Waters (Mrs); M; 15 A land, bldgs, etc, Kahua, Hilo, Hawaii; $200. B 260, p 298. Dated Nov 14, 1904.

Emma A McGuire and hsb to Harriet F Coan; M; por Kul 3435, Waiehu, Maui; $250. B 260, p 200. Dated Nov 17, 1904.

Jacintho M de Gouvea Sr and wf et al to H Hackfeld & Co Ltd; M; 2 pcs land, Hilo, Hawaii; [illegible] B 260, p

BAD STATE OF THE LOCAL RICE GROWING INDUSTRY

Editor Advertiser: In a conversation with Wong Leong, one of the most intelligent and observant of the rice planters of the Islands, in answer to a query why the rice planters were reduced to the financial extremity which at present hangs over the industry like a pall his answer was "because they could not sell thei rice." I asked, "Do you mean because you can not sell at remunerative prices?" He said, "No, but because we cannot sell. I know the price of rice and every other commodity is fixed by the rule of supply and demand, but a reliable sugar factor showed me a letter from his San Francisco agent wherein the writer offered Louisiana or Texas rice at $2.80. This then plus the freight and cartage would bring it up to $3.10 in Honolulu which would for the present fix the price of Hawaiian rice. But as a matter of fact we cannot sell at that price. Of the 80,000 consumers of rice on the Islands, 20,000 are Chinese and 60,000 Japanese, approximately.

"The latter do not use Hawaiian rice, preferring to pay $2.00 per hundred more for the product of their own country. It is said that patriotism causes this discrimination as an analysis of the two rice shows that the Hawaiian is the better of the two."

One would think that a sense of propriety, not to say obligation, would induce them to use a product of the land where they have so improved their condition. Again rice being a sister industry to sugar one would think that the sugar planters would induce their laborers to use the product of the land, prices being equal. What would we think of a state of affairs in the United States, where the alien population bears so large a proportion to the native, if the aliens should refuse to eat the corn and wheat of the land and prefer the rye and wheat of Europe for patriotism?

Mr. Wong Leong, by a closely estimated table of statistics, shows the expenditures of the rice planters on the Islands as well as the volume of the crop from which it is apparent that without some remedy this industry must succumb. They pay enormous rents for land, from $20 to $55 per acre per annum, most of which goes to native owners, the owners being 70 per cent native; 20 per cent foreign; and 10 per cent Chinese.

Rents, 8,000 acres averaging $25 per acre ....$	20,000
Labor, 3,000 men found, $250 per capita................	750,000
Bags for rice, 270,000 at 10 cts.	27,000
Bags for paddy, 150,000 at 9 cts.	13,500
Rope and twine	7,000
Agricultural tools, as plows, harrows, guns, powder, hardware	50,000
Lumber for dwellings, fences, etc.	25,000
Feed for animals, hay, oats, bran, barley, etc..........	20,000
Horses, mules, cattle	10,000
Harness, belting, mill supplies	10,000
Freight, 100,000 tons	15,000
Cartage	5,000
Insurance	20,000
Taxes	60,000
Interest on borrowed capital	45,000
Expenses, as lawyers fees, stamps, records, etc.	10,000
	$ 1,087,500
If the crop, 270,000 sacks was sold at 3 cents.....	810,000
Would show a loss of ....$	277,500
But it is quoted today at $2.50 and if sold at that the loss would be ....$	412,500

Naturally, if these figures are correct it would be wise for the rice planters to immediately abandon the industry. A good financier cuts short his losses and retires from a business the future of which is hopeless. However, when men have invested their whole capital in a business they feel compelled to hang on in hopes of brighter days. The annexation of the Islands to the United States crippled the rice industry in two ways. It removed the protective tariff afforded by the Hawaiian law, and prevented the rice planters from being able to renew their labor. Prices of labor went up as well as rents but the price of rice went down, thus compelling the planter to burn the candle at both ends.

The remedy suggested by Wong Leong is two-fold: the admission of Chinese labor and a systematic endeavor by all to use the Hawaiian rice, prices being equal. If this industry is abandoned the sufferers will not be only the Chinese rice planters but the landlords, the government in deprivation of taxes, and those who have advanced capital to foster the industry. Mr. Wong Leong assures me that the present status of the rice industry cannot much longer continue, and if the home product is not patronized the absolute abandonment of this once profitable industry will be a thing of the past.

JAS. W. GIRVIN.

VIERRA IS CHARGED WITH EMBEZZLEMENT

Henry Vierra was summarily dismissed from the Public Works Department yesterday and Attorney-General Andrews swore out a warrant in the afternoon charging him with embezzlement. Vierra was arrested and allowed to go upon a bond for $500 being filed. Wm. P. Fennell will take his place in the Public Works Department.

Vierra has been collecting the rents for the public laundries at Iwilei and has been charging the Chinese laundrymen more than they were supposed to pay, putting the difference in his pocket. The laundrymen were told to pay their rent to Chief Clerk White personally this month, and when they offered to pay more than was necessary, the matter was looked into. Old receipts were called for and it was found that Vierra had been overcharging each man fifty cents. The amount of money involved is not known as some of the men have changed and others have destroyed their old receipts. The returns for some rooms at the laundries which are rented out for sleeping purposes are also in bad shape.

Henry Vierra is an old employee in the department and is well known about town. He was rather prominent in base-

FIRST REFINED SUGAR EXPORTED

By the steamer yesterday there was shipped to San Francisco the first refined sugar ever manufactured in the Hawaiian Islands. It is the product of the refining plant that has been almost completely installed in the sugar mill of the Honolulu Plantation Company within sight of this city.

Ten bags of samples of different grades constituted the shipment. The grades were: Standard Granulated, Confectioners' Granulated, Fruit Granulated and Powdered. As soon as certain additional machinery arrives and is installed the Honolulu refinery will make also Cube sugar. So far as the plant is complete, the apparatus has worked to perfection from the first trial run.

Manager J. A. Low showed an Advertiser reporter a sample of the sugar. It has the appearance of being the finest quality. Mr. Low is not the least afraid that the sugar will fail to maintain its good qualities in carriage by sea. The samples sent forward had been stacked in the mill without extra precautions for some time since refining but showed no sign of being affected by temperature, humidity or any other condition.

One quality of this home-manufactured sugar, which Jas. F. Morgan has remarked, is its higher degree of solubility than the imported article. A teaspoonful dropped in a glass of water will mostly dissolve before reaching the bottom. Mr. Low claims superior sweetening power for the sugar over other sugars. As he says, "It is made absolutely pure, from the cane juice."

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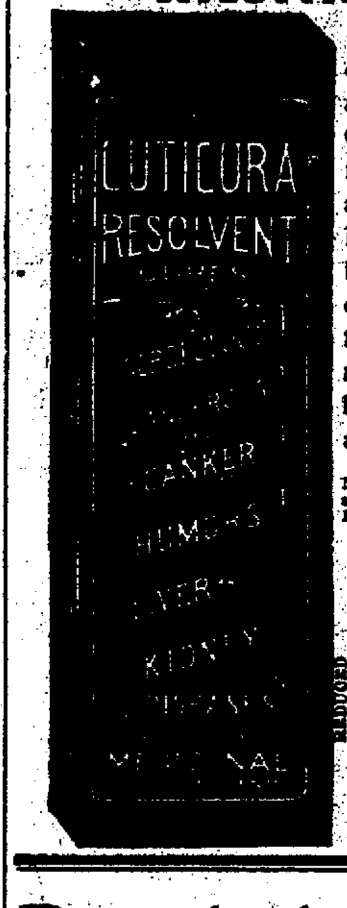

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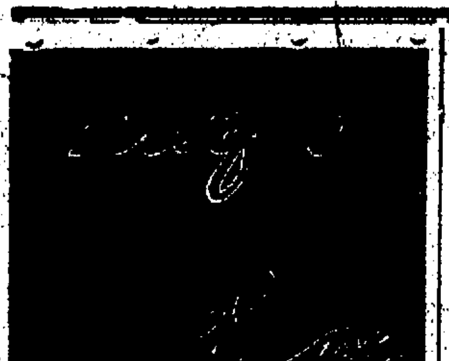

ARRIVED.

Tuesday, Nov. 29.

S. S. Siberia, Smith, from Orient, 8 a. m.

Stmr. Mikahala, Gregory, from Kauai ports, 1:35 a. m. (Today.)

Wednesday, Nov. 30.

Am. sp. Marion Chilcott, Williams, 26 days from San Francisco, 11 a. m.

Stmr. Kaiulani, Bennett, from Maui and Molokai ports, 1:40 a. m.

Stmr. Mikahala, Gregory, from Kauai ports, 4:55 a. m.

Stmr. Niihau, Thompson, from Kauai ports, 5:55 a. m.

Stmr. J. A. Cummins, Searle, from Koolau ports, 6:45 p. m.

Per stmr. Kinau, Nov. 29, for Hilo and way ports—E. Lange, S. Richley, Hugo Breymer, J. H. Lane, Mrs. Lane, Miss E. Coggshall, Chas. Mahoe, H. H. Renton, W. J. Dyer, Mrs. E. A. Jarett, F. W. Walker, Mrs. T. May, G. Osborne, Miss A. E. Knight, Mrs. E. J. Port, Mrs. Ahrens and children, G. W. Clyde, E. M. Brown, St. C. Bidgood and wife, Dr. J. H. Raymond, Cecil Brown.

Per stmr. Likelike, Nov. 29, for Maui ports—H. G. Danford, H. P. Baldwin, Rev. E. Tokimasa, C. W. Ashford, W. Ayau, Miss Annie K. Mossman, Miss Helen Moa and sister, R. O. Hogg, P. N. Kahokuoluna, H. N. Almy and wife.

Per stmr. W. G. Hall, Nov. 29, for Kauai ports—Geo. H. Fairchild, H. Moore, wife and children, G. N. Wilcox, F. J. Cross, J. M. Lygate, wife, 2 children and nurse.

Per stmr. Kaiulani, Nov. 30, from Maui and Molokai ports.—A. J. Spitzer, Father Sylonus, Thomas Black.

Per stmr. Mikahala, Nov. 30, from Kauai ports.—Mrs. C. Bose, C. Evenson, wife and two children, O. Robinson, wife and child, F. C. Betters, B. C. Buzzill, Geo. W. Carr, Wo Chee, Yee Shong.

Thursday, Dec. 1.

Schr. Mary E. Foster, Willer, 39 days from Port Gamble, 8:30 a. m.

Stmr. Maui, Bennett, from Hawaii ports, 6 a. m.

DEPARTED.

Stmr. Mikahala, Gregory, for Kauai ports, 5 p. m.

Stmr. Niihau, Thompson, for Ahukini, 5 p. m.

PASSENGERS.

Arrived.

Per stmr. Maui, Dec. 1, from Kawaihae—H. H. Renton and wife.

DUE TODAY.

Stmr. Mauna Loa, Simerson, from Kona and Kau ports, a. m.

S. S. Coptic, from San Francisco, p. m.

SAIL TODAY.

Stmr. J. A. Cummins, Searle, for Koolau ports, 7 a. m.

DUE TOMORROW.

Stmr. Kinau, Freeman, from Hilo and way ports, a. m.

Stmr. Kaiulani, Bennett, from Maui and Molokai ports, p. m.

OFFICIAL NOTICES TO MARINERS

Office U. S. Light-house Inspector,
Twelfth District.
San Francisco, Nov. 16, 1904.

SAN PABLO BAY, CALIFORNIA.

Notice is hereby given that Point Wilson Mid-Channel Buoy, San Pablo Bay, Cal., reported dragged out of position and replaced by the Dredging Co. near its former location, was replaced November 10 in its old position.

MARE ISLAND STRAIT, CALIFORNIA.

Notice is hereby given that Commission Rock Buoy, a red second-class nun, located about 150 feet S.W. from the shoalest part of Commission Rock, Mare Island Strait, California, heretofore reported out of position, was replaced November 14 in its old position.

SUISUN BAY, CALIFORNIA.

Notice is hereby given that San Joaquin Buoy, a second-class spar, near the turning point to the San Joaquin River, Suisun Bay, California, heretofore reported adrift, was replaced November 10, in its old position.

By order of the Light-house Board.

W. P. DAY,
Commander, U. S. N.,
Inspector, Twelfth Light-house District.

MARY E. FOSTER HAS ROUGH TRIP

The four-masted schooner Mary E. Foster arrived yesterday morning, 39 days out from Port Gamble. Off the mouth of the Columbia, the schooner ran into a gale which lasted three days. The cargo of lumber shifted during the storm, thus adding to the dangers. When the blow had moderated the deck load of lumber was shifted back and the vessel put on an even keel again.

To add to the hardships of the voyage the cook deserted at the last moment and one of the sailors had to act as chef.

Captain Willer is the new commander of the Mary E. Foster and is well known here, having been the captain of the bark Ceylon, which sank off Laysan Island a few years ago. He was also Assistant Harbormaster here a little over a year ago. The Mary E. Foster brought 1,260,000 feet of lumber, consigned to Allen & Robinson and is docked at the lumber wharf ready to discharge.

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YOU TAKE DESPERATE CHANCES WHEN YOU NEGLECT A COLD.

It should be borne in mind that every cold weakens the lungs, lowers the vitality and makes the system less able to withstand each succeeding cold, thereby paving the way for more serious diseases. Can you afford to take such desperate chances when Chamberlain's Cough Remedy, famous for its cures of colds, can be had for a trifle? Sold by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

CORRESPONDENT VILLIERS TALKS ABOUT THE CAMPAIGN

After spending several months before Port Arthur with General Baron Nogi's Army, Mr. Frederic Villiers, the famous artist-war correspondent and the Far East representative of the Illustrated London News, has returned to Yokohama, where he will remain for a few days before setting out on his journey for London, which he hopes to reach by Christmas.

Interviewed as to his experiences, Mr. Villiers had a very interesting story to relate.

THE PRESS RESTRICTIONS.

Speaking of the regulations imposed upon the war correspondents, he said, from a military point of view they were indeed very sound. There was not one irksome condition to which he could honestly object, all were tactically necessary. Among the regulations was one that they were not to mention the numbers of regiments or the calibre of the guns. Having subscribed to these conditions they were required to notify headquarters if they wished to visit different parts of the lines and their requests were invariably granted. They were free to go to any part with any of the divisions and to visit any of the brigades or regiments. Also they were allowed to carry cameras and photograph anything except the Japanese guns, especially guns in position. Even this restriction was eventually removed. "Some of the correspondents," said Mr. Villiers, "objected at first because they were not permitted to send the name of any regiment that, for instance, performed some heroic act, but they afterwards saw that the restriction was an absolutely necessary military precaution, as it might have been the means of informing the Russians of the reinforcement of some particular division. We had no difficulty, and no obstructions were offered to our moving about the various position." Asked why he was leaving, Mr. Villiers said "I have been for three months before Port Arthur, I have exhausted all the material there, and it is now only a question of sketching the interior of Port Arthur and the march in of the Japanese Army. I have already made arrangements for sketches to be sent to me of the final events, and I consider this is the time to get back to England with the story of the Japanese Army before Port Arthur."

THE CONDITION OF DALNY.

But to begin Mr. Villiers's interesting story from the beginning. After leaving Japan the correspondents were taken to Dalny and quartered in the Hotel Dalny there. This building had been previously looted by the Manchurian bandits who had about 36 hours in the town before the Japanese occupied it, when, of course, order was immediately restored. The brigands had ripped up all the furniture and destroyed a lot of goods. The Russians in leaving the town hastily set fire to the more important buildings, and there is no doubt the bandits set fire to some of the private dwellings. But the town was in a very good condition in the circumstances. Some of the fine buildings were intact, as were also many private dwelling houses.

"Of course," continued Mr. Villiers, "the Russians destroyed all the bridges. These were magnificently constructed of masonry. In fact, I do not think any line could be better built than the railway from Dalny to Port Arthur, all the culverts and bridges being splendidly constructed of stonework."

TOURING THE BATTLEFIELDS.

"It was August 4th when we arrived at Dalny, and for some days we made that town the centre, and visited the battlefields of the neighborhood. We saw the sites of the battles of Nanshan and Kinchow and of the battles in the direction of Port Arthur. We left Dalny on the 13th and marched to Bando. There I saw for the first time a very excellent tent which was in use by the Japanese there and which was invented by Lieutenant-Colonel Ushiro, commandant of Bando. It was very light, spacious, airy and in many ways a most serviceable tent.

"From that place we went to see a very strong position which the Japanese had rushed and captured from the Russians. Afterwards we started for Eeijoshi (Yingchengtz), where we remained for a few days. Receiving a message from headquarters, which were then at Saidiko, we set out thence and were received by General Nogi, who was exceedingly kind and fatherly. He said that it was his intention we should see everything in connection with the operations before Port Arthur. What he wanted to impress upon us was to keep our health, that there was some sickness, as naturally there would be with an army, some dysentery owing to the keen winds and to the water of the country, and that directly we felt at all ill we were to report ourselves at once to the Headquarters Hospital, where we should have the best medical advice. The General then dismissed us saying he was afraid he would not be able to see us for two or three days as he was fully occupied in other directions.

AT THE FRONT.

"We immediately started for the front and from that day till I left I saw everything of the operations about Port Arthur. For some time we were not allowed to send any telegrams or news letters and our private letters were censored. This precaution was one of which I appreciated the wisdom, and the restrictions were removed as soon as possible. We were, however, allowed to send sketches after they had been approved by the censor. I am glad to say that from the beginning my sketches were favorably censored and allowed to pass.

WELL CLAD TROOPS.

"The weather during my stay was most varied. For the first two or three weeks there was considerable rain which made us rather uncomfortable, but we were fortunately able to occupy Manchurian houses and suffered none of the hardships of the ordinary campaign, especially those resulting from having to shift from pillar to post all the time. For some weeks the heat was intense, but about three weeks before we left it became cooler, and during the last week cutting northerly winds necessitated our getting into winter clothing. The Japanese, with that fore thought which characterizes them, had already got winter clothing for the troops, and as far as I could see there was not the slightest inconvenience suffered by the troops with regard to their clothing and the change of the weather, in fact I never saw troops who were better provided or had more consideration given to their comfort than was given by the authorities to the Japanese army. The encampments were exceedingly comfortable and here and there were little shanties which reminded me of some of the smaller houses in a Japanese village.

THE MARTIAL SPIRIT.

"The martial spirit of the troops was very high, they were ever sanguine and uninfluenced by repulses. It was a most extraordinary thing that, after some of the big assaults where the loss was considerable, within a few hours of the return of the men to camp they were indulging in gymnastics and other exercises that were simply recreation and amusement. In some camps there was a good provision of gymnastic apparatus such as trapezes, rings, etc. The men were always cheery. Nothing whatever seemed to daunt them. The martial spirit was magnificent throughout. They were absolutely confident in the generalship of their officers and in their ultimate success.

GENERAL CLEANLINESS.

"They had not much cavalry, but the horse lines were the finest I have seen in any campaign. The horses were stabled in comfortable arbours covered with greenery, and in some camps they were sheltered by embankments. The horse lines were perfectly clean and free from the noxious odours that too frequently prevail in such places.

"This cleanliness was apparent everywhere. Even in some of the trenches within forty yards from the Russian firing line everything was spick and span, whilst the troops were almost as clean as they would be on parade. It seems to me that typhoid fever, that scourge of most armies, absolutely cannot exist to any extent with the Japanese Army at Port Arthur. All the water they drink, some of which, by the way, is obtained from the sources from which the Russians have been cut off, is boiled. In all camps huge cauldrons of water are boiled for the men, who simply run up and fill their water bottles. I never saw greater care taken of men by their officers than outside Port Arthur. When I left, after over three months, the camps were just as clean and orderly as they would have been in time of peace. I noticed these things particularly, because as an old campaigner they were remarkable to me."

ALMOST HAND TO HAND.

"How far are the two forces apart?" asked the interviewer.

"In some places," responded Mr. Villiers, "there was not more than twenty yards between the Japanese and Russian trenches, and the Japanese were continually sapping. The work they have done in the way of sapping and mining is simply miraculous. That is the only term I can apply to it. They have had to cut through living rock for thousands of yards. Their trenches are very spacious and are well protected in every way."

PORT ARTHUR STRONGER THAN PLEVNA.

"We have heard much of the impregnability of the Russian defences. Can you give a description of them?" was the next question.

"There is, of course, the double line of main forts and between these are numerous smaller forts. The defences of the various forts consist first of wire entanglements. Then there is a series of trenches with lunettes and then the glacis running up to the fosse, then the scarp and counter-scarp and lastly the actual fort. The fosses are generally very wide and deep, in fact, Port Arthur is the strongest position I have ever seen in my life. As a natural fortress it is many times stronger than Plevna, and has the additional advantage of strong permanent forts. You must remember that at Plevna the Russians lost nearly 70,000 men by their various assaults and then they had to sit down and wait until the Turks came out. This will not take place with Port Arthur. The Japanese will take it; they will not sit down. It is now simply a matter of sapping, which may take a long or short period, but the final fall of the fortress is absolutely inevitable."

Asked to give his opinion as to the probable date of the fall, Mr. Villiers said no layman could have a foundation for any estimate and he, certainly, could not express an opinion.

On the matter of the advance of winter, the eminent war correspondent said he did not think the winter would affect the Japanese army very much, because they were well provided for. The neighborhood of Port Arthur was a district where the men could be easily sheltered by means of burrowing in the ground, which would make them snug and comfortable.

THE USAGES OF WAR.

As there have been occasional stories of breaches of the laws of war, the interviewer put some queries on these subjects. Mr. Villiers said: "I have seen no dum-dum bullets. I have seen many Russian bullets, but none of them were dum-dums. I know of no instances of the white flag being abused, and as far as the Japanese are concerned my own experience has been that they show the greatest courtesy and kindness towards their prisoners. I heard of some charges of Russians killing the wounded, but I was unable to verify them. The Japanese hospitals are fitted with most complete appliances. Considering the tremendous strain on the hospital service, I think the work accomplished most remarkable. Many of the hospitals are close to the firing lines. In one or two instances they have been struck by shells, but I do not think it was done intentionally. The Japanese are remarkable for keeping up to the front, as close as possible to the enemy."

On the general question of the military situation outside Port Arthur, Mr. Villiers said he had nothing but praise. "I saw nothing done that was not in full accordance with the best tactical methods. War is of course very largely a game of chance, but the Japanese have done all that is possible to ensure victory and the generalship leaves nothing to be desired. The Japanese have broken through the outer chain of forts in several places and are close up to the inner line. They have captured Russian forts, and in some instances are using the guns contained in then, working them with ammunition they have also captured. Considering the wonderful strength of Port Arthur I know of no army that could have done more than the Japanese in the same time. If the outside world could see Port Arthur and the enormous strength of the positions, they would be amazed that the Japanese have accomplished as much as they have succeeded in doing."

WHAT THE RUSSIANS THOUGHT

"Have you had any opportunities of getting any expression of Russian opinion?" was a question that launched Mr. Villiers on a description of an interview with two Russians captured just before he came away. "They, in their ignorance," he said, "imagined that the Japanese were barbarians and they expected to be mutilated as if they had fallen into the hands of the Chinese, but instead of having their toes and fingers cut off and being condemned to a lingering death they were treated in the kindest manner, and the soldiers thrust gifts of cigarettes upon them, which was indeed a luxury. They seemed to be very happy and if the news of their treatment reached the Russian lines it might cause many more to leave Port Arthur."

COURT NOTICES

HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII—OCTOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee.

ORDER OF COURT FOR PUBLICATION OF SUMMONS.

Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, and, it appearing to me therefrom that defendant P. E. Lamar, has removed from, and is now a non-resident of the Territory of Hawaii, and that he is now living in the city of San Francisco, State of California; and, it also appearing from said affidavits that a cause of action in assumpsit exists between said H. Hackfeld & Company, Ltd., as plaintiff, and said P. E. Lamar, as defendant, and that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but that same was not and could not be had for the reasons hereinabove stated, and by said affidavits made to appear:

Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawaiian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory of Hawaii, and hereby designated as a newspaper suitable for the advertisement of notice of judicial proceedings; that such publication be had and made at least once a week for four consecutive months: and

It further appearing from a reading of said affidavits, that said defendant, P. E. Lamar, is located in and about the city of San Francisco, State of California;

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Wailuku, Maui, postpaid, directed to said P. E. Lamar, at San Francisco, State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to, and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAI,
Judge of the Circuit Court, Second Judicial Circuit.

Attest:
(Sgd.)
EDMUND H. HART,
Clerk, Second Circuit Court.
(Seal.) 2628

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT, TERRITORY OF HAWAII—AT CHAMBERS—IN PROBATE.

In the matter of the Estate of Manoel Rapozo de Freitas, of Kapaa, deceased—Order of Notice of Hearing Petition for Allowance of Final Accounts, Distribution and Discharge.

On reading and filing the petition and accounts of Maria Augusta Rapozo Freitas, Administratrix of the Estate of Manoel Rapozo de Freitas, wherein she asks to be allowed $10.00 and she charges herself with $206.22, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in her hands to the persons thereto entitled, and discharging her and her sureties from all further responsibility as such administratrix;

It is ordered, that Thursday, the 5th day of January, A. D. 1905, at ten o'clock a. m., before the Judge of said Court at the Court Room of the said Court at Lihue, Island of Kauai, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the English language, be published in the Hawaiian Gazette, newspaper printed and published in Honolulu, for four successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Lihue, this 22nd day of November, 1904.

By the Court:

JNO. A. PALMER,
Clerk.

2645—Nov. 25, Dec. 2, 9, 16.

FORECLOSURES.

MORTGAGEE'S NOTICE OF FORECLOSURE.

KOPAEA AND KAPAKI.

In accordance with the provisions of a certain mortgage made by Kopaea and Kapaki of Honolulu, Island of Oahu, Territory of Hawaii, to Samuel C. Allen, of said Honolulu, now deceased, dated July 12th, 1902, and recorded in the office of the Registry of Conveyances, Honolulu, Oahu, in Liber 237, on pages 242 and 243, notice is hereby given that the Executors and Trustees under the Will and of the Estate of said mortgagee intend to foreclose the same, in accordance with the terms of said mortgage and the Hawaiian laws, for condition broken, to wit, non-payment of principal and interest.

Notice is likewise given that after the expiration of three consecutive weeks from the date of the first publication of this notice, said Executors and Trustees of said mortgagee intend to and will foreclose said mortgage and will advertise for sale the property covered and conveyed thereby and will sell the same at public auction, at the auction rooms of Jas. F. Morgan, on Kaahumanu street, in said Honolulu, on Saturday, December 3rd, 1904, at 12 o'clock noon of said day.

Following is the description of said property:

All of that piece or parcel of land situated at Puunui, Honolulu, Oahu, being a part of Royal Patent 3050 to H. A. Widemann; more particularly described as follows:

Apanas 43 and 45, block 3; beginning at the West corner of Apana 43; the same being the East corner of Apana 41 and running:

1. N. 52° E. 100 ft. along Puunui Road;
2. S. 38° E. 100 ft. along Apana 47;
3. S. 52° W. 100 ft. along Apanas 46 and 44;
4. N. 38° W. 100 ft. along Apana 41, to initial point, containing an area of 10,000 square feet and being the same premises conveyed to the aforesaid mortgagors by deed of W. C. Achi dated March 18th, 1902, and recorded in the office of the Registrar of Conveyances, Honolulu, Oahu, in Liber 234, pages 179 and 180.

Further particulars can be had of Kinney, McClanahan & Cooper, Judd Building, Honolulu.

Dated Honolulu, T. H., Nov. 5th, 1904.

BATHSHEBA M. ALLEN,
MARK P. ROBINSON,
JOSEPH O. CARTER,
PAUL MUHLENDORF,
Executors and Trustees under the Will and of the Estate of Samuel C. Allen, deceased.

2640—Nov. 11, 18, 25, Dec. 2

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Occasionally before breakfast or other meals insures good health.

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This does not apply to renewals.

The WEEKLY INTER-OCEAN is the leading journal of the Middle West and in addition to its perfect news service has many new and valuable features among which are its Farm Department, Forestry and Floriculture, Care of the Horse, Boys and Girls page, International Sunday School Lesson, Home Health Club, Health and Beauty Hints, New Household Ideas, Practical Cookery, Latest Styles for all Ages, Best Fiction, full Crop and Market reports.

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